

PUBLIC DEFENDER COMMISSION



**Missouri State Public Defender System
Budget Request
Fiscal Year 2019**

PUBLIC DEFENDER COMMISSION

Budget Request Fiscal Year 2019

**Michael Barrett
State Public Defender, Director
573-526-5212**



**Office of the State Public Defender
231 East Capitol
Jefferson City, Missouri 65101**

573-526-5210 – Phone 573-526-5213 – Fax

October 1, 2017

Dear Governor Greitens:

Enclosed please find the 36th budget request for the Missouri State Public Defender System (MSPD). As you are undoubtedly aware, MSPD's mission is to carry out the state's obligation to provide competent counsel to Missourians who are poor and face a loss of their liberty following a criminal conviction.

As Director of MSPD, I join your efforts to ensure that taxpayer dollars are utilized responsibly and effectively, to protect equality under the law, and due process for the accused. Over the course of the past couple of years, Missouri has climbed to 8th highest in the rate at which it incarcerates its citizens, with approximately 50% of individuals incarcerated for a non-violent offense, while contemporaneously reaching 11th among the states in violent crime rate.

These outcomes suggest that the prison population, and its budget, is continuing to grow without any positive impact on the state's violent crime rate. In addition to helping the state fulfill its obligation under the 6th and 14th amendments, MSPD's aim is to make sure that taxpayers are not burdened with the enormous costs of incarceration if a person can be effectively managed in the community. Without adequate resources, however, MSPD's ability to develop alternative plans for someone otherwise facing

incarceration is limited. Regrettably, this often results in more people going to state prison for low-level or non-violent offenses, including for violating their probation. Not only does this break up families, it needlessly inflates the reliance on the welfare roles when families are forced to break up.

Therefore, it is my responsibility to submit a budget request that accurately reflects the task that is before us. During the course of the past two years, MSPD's caseloads have increased substantially, from about 76,000 cases statewide to more than 85,000 cases a year. Without a budget that mirrors the workload that the state has placed on MSPD, constitutional violations will undoubtedly continue and Missouri will continue to achieve poor outcomes in both its incarceration rate and public safety.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Barrett".

Michael Barrett
Director, Missouri State Public Defender

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PROGRAM DESCRIPTION

Department: Office of the State Public Defender	HB Section(s): HB 12.400
Program Name: Public Defender	
Program is found in the following core budget(s):	This program is found in all MSPD core budgets. MSPD has only one mission and only one program - To Provide effective legal representation to indigent persons accused of crime.
1a. What strategic priority does this program address? <p>The single overriding goal of the Office of the Missouri State Public Defender System is to provide effective criminal defense representation for its clients fulfilling the office's constitutional mandate. Strategies to accomplish this mission have been identified and implemented with continued refinements to enhance productivity, efficiencies, whereby reducing costs and eliminating waste in the processes and operations that deliver such services.</p>	
1b. What does this program do? <p>The Missouri State Public Defender System [MSPD] is a statewide system that provides legal representation to poor persons who are accused or convicted of state crimes in Missouri's trial, appellate, and Supreme courts. Carrying out these functions fulfills the state's obligation to provide the right to counsel under the state and U.S. Constitutions to those who cannot afford it.</p>	
2. What is the authorization for this program, i.e., federal or state statute, etc.? (Include the federal program number, if applicable.) <p>Chapter 600 R.S. Mo, which was enacted to comply with the state's obligations under the U.S. Constitution and Missouri Constitutions: <i>In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.</i> Amend VI, U.S. Constitution</p> <p><i>In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare: . . . That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel.</i> Article I, Section 18(a), Missouri Constitution.</p>	
3. Are there federal matching requirements? If yes, please explain. <p>No</p>	

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4. Is this a federally mandated program? If yes, please explain. Yes. The Provision of counsel to indigent defendants facing prosecution and potential loss of their liberty if federally mandated the United States Constitution. <i>"In all criminal prosecutions, the accused shall enjoy the right to...have the assistance of counsel for his defence."</i> <i>Amend VI, U.S. Constitution Bill of Rights.</i>																					
5. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year. <div style="border: 1px solid black; padding: 10px; width: 100%;"> <p style="text-align: center;">Program Expenditure History</p> <table border="1" style="margin-top: 10px; border-collapse: collapse; text-align: center;"> <thead> <tr> <th>Fiscal Year</th> <th>GR</th> <th>OTHER</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>FY 2015 Actual</td> <td>\$36,767,670</td> <td>\$1,633,723</td> <td>\$38,401,393</td> </tr> <tr> <td>FY 2016 Actual</td> <td>\$36,422,009</td> <td>\$1,282,645</td> <td>\$37,704,654</td> </tr> <tr> <td>FY 2017 Actual</td> <td>\$37,997,580</td> <td>\$1,032,481</td> <td>\$39,030,061</td> </tr> <tr> <td>FY 2018 Planned</td> <td>\$42,497,581</td> <td>\$1,500,000</td> <td>\$43,997,581</td> </tr> </tbody> </table> </div>		Fiscal Year	GR	OTHER	TOTAL	FY 2015 Actual	\$36,767,670	\$1,633,723	\$38,401,393	FY 2016 Actual	\$36,422,009	\$1,282,645	\$37,704,654	FY 2017 Actual	\$37,997,580	\$1,032,481	\$39,030,061	FY 2018 Planned	\$42,497,581	\$1,500,000	\$43,997,581
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6. What are the sources of the "Other" funds? Legal Defense and Defender Fund - Collections from Client fees.																					

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7a. Provide an effectiveness measure.	
<p>There are three primary measures of effectiveness applicable to the Missouri State Public Defender System:</p> <p>(1) Case Law: Through cases ruled upon by the United States Supreme Court, the Missouri Supreme Court and Courts of Appeal, specific standards of what does or does not constitute effective assistance of counsel in the representation of a criminal defendant have evolved. Where an attorney is found by the court to have failed to meet those standards, any conviction of the defendant must be set aside.</p> <p>(2) Missouri Rules of Professional Responsibility are established by the Missouri Supreme Court and applicable to every attorney licensed to practice law within the State of Missouri. The Rules set out what is expected from a competent, professional attorney and are enforced by the Missouri Supreme Court through its Office of Chief Disciplinary Counsel. Failure to comply with these rules can result in actions being taken against the attorney's license, ranging from a formal reprimand up to and including permanent disbarment from the right to practice law within the state.</p> <p>(3) MSPD Guidelines for Representation adopted by the Missouri State Public Defender Commission, which set out the Commission's expectations of its attorneys in order to meet the above standards for effective representation of clients served by Missouri Public Defenders.</p> <p>Unfortunately, the Missouri State Public Defender System is not currently able to meet many of these standards because it is staffed to handle only a percentage of the total caseload assigned to it this last year. The overload has forced lawyers and investigators alike to cut corners, skip steps, and make on-the-fly triage decisions in order to keep up with the deluge of cases coming in the door. As a result, effectiveness in many of these cases is seriously compromised.</p> <p>American Bar Association Ethical Advisory Opinion re Public Defender Caseloads: In 2006, the American Bar Association issued an ethical advisory opinion warning against ethical violations caused by excessive defender caseloads and highlighting the fact that public defenders are not exempt from the professional obligation of all attorneys not to take on more cases than they can effectively handle. That opinion cited national caseload standards, as a base which should not be exceeded, but warned that other factors must also be taken into consideration, such as availability (or lack of) support staff to assist the attorneys, time taken away from case preparation by other non-case-related duties, such as travel, training, management, etc., and the specifics of local practice that could impact the amount of time needed for handling particular case types. <i>See, ABA Formal Opinion 06-441: Ethical Obligations of Lawyers who Represent Indigent Criminal Defendants When Excessive Caseload Interfere with Competent and Diligent Representation, May 13, 2006.</i></p>	

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<p>Over the last ten years, the issue of Missouri Public Defender's workload has been the subject of five different studies: one by a Missouri Bar Task Force, two by <i>The Spangenberg Group</i>, an independent consultant, another by a Senate Interim Committee, and the most recent by the American Bar Association titled <i>The Missouri Project</i>. Each of these investigations reached the same conclusion: Missouri's public defenders have too many cases and not enough lawyers or support staff to fulfill the state's constitutional obligations.</p> <p>The most recent ABA study, conducted and overseen by RubinBrown of St. Louis, one of the nation's top accounting and business analytics firms, was designed to not only identify excessive work overloads – which it did -- but also to establish reliable case weights to determine what staffing levels are needed to match the existing workload (i.e., the average number of hours a competent attorney could expect to spend on a particular case type to provide competent representation).</p> <p>When these case weights are applied to MSPD's caseload, the number of staff MSPD would need to meet its existing caseload is 347 additional attorneys (see case weight metrics below). 336 attorneys are requested in the Constitutionally Mandated Representation decision item. 11 attorneys are requested in the Juvenile Advocacy decision item. This proposal further seeks funding that would allow MSPD to continue to assign all Trial Division conflict cases to private attorneys, which remains the single most efficient way to immediately impact case overload.</p>																			
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<p>The budget request also includes the addition of:</p> <p>A comprehensive compensation structure for Attorney staff - Assistant Public Defender recruitment and retention is critical to the Missouri State Public Defender System's (MSPD) ability to meet its constitutional mandate of effective representation, especially in light of the fact that it is operating with less than one half the attorneys and one quarter the support staff needed for its existing caseload.</p> <p>Two Youth Advocacy Units, one in Kansas City and one in St. Louis, to specialize in the representation of juveniles (11.50 attorneys);</p> <p>Each of these constitutes a measured, but significant step forward on the road toward fulfilling the state's constitutionally mandated obligations.</p>	
<p>7b. Provide an efficiency measure.</p> <p>The Missouri State Public Defender System's 369.50 Trial and Appellate lawyers closed 76,752 cases last year, appearing in every courthouse in every county across the state, at an average cost to the state's taxpayers of just \$325.31 per case. This astonishingly low cost of indigent defense in Missouri – among the lowest in the nation -- is not a cause for celebration. It comes at the cost of justice, the result of widespread failure to provide indigent defendants the effective assistance of counsel that the U.S. Constitution's Bill of Rights guarantees them. There is a limit to the 'Do More With Less' mantra within the arena of criminal justice, and Missouri passed it sometime ago.</p>	

PROGRAM DESCRIPTION

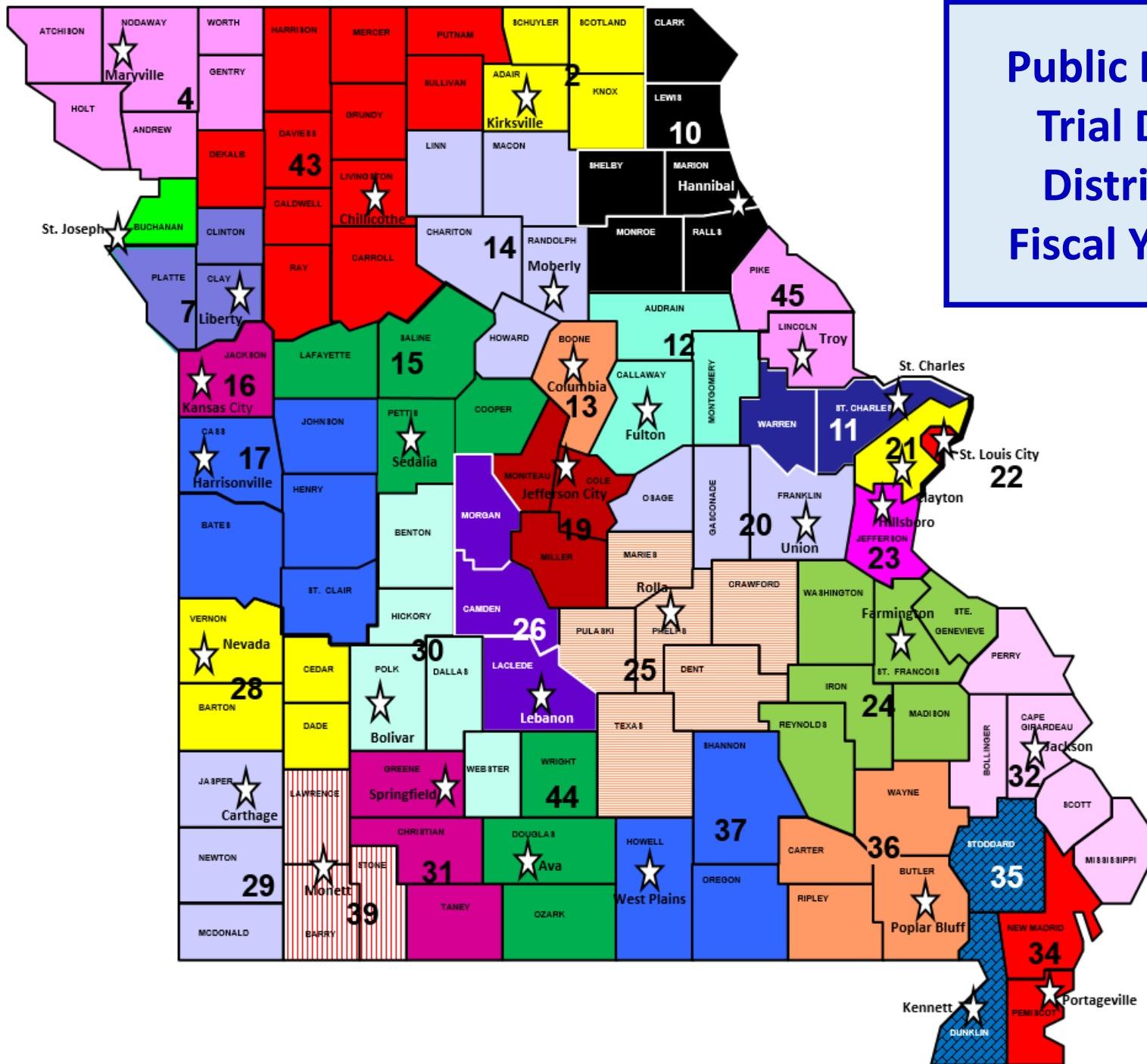
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7c. Provide the number of clients/individuals served, if applicable.							
<p>In FY2017, MSPD provided representation in 85,812 new cases. The Public Defender Commission sets the indigency guidelines that are used to determine who is eligible for public defender services. Currently, those guidelines match the Federal Poverty Guidelines. Strictly applied, that would mean an individual making only \$12,000 a year would not qualify for a public defender. According to recent reports, Missouri ranks 50th out of 50 states in income eligibility standards for public defender services, leaving a wide gap of ineligible defendants who in reality still lack the means to retain private counsel in the market. The guidelines, however, do allow for the taking into consideration of all of the defendant's particular circumstances affecting his/her ability to hire counsel, so things such as the seriousness of the charge may impact that decision. Defendants have the right to appeal MSPD's denial of their application to the court for an independent review of their eligibility. If the court finds they are unable to afford private counsel, the court can overrule the public defender denial.</p> <p>The table on the following page shows a 6.26% increase in the number of cases assigned to the Public Defender System in Fiscal Year 2017. This is on top of a 9.72% increase in Fiscal Year 2016. In Fiscal Year 2015, the Missouri State Public Defender opened 73,598 cases. In Fiscal Year 2017, 85,812 cases were opened. In addition to the cases opened in Fiscal Year 2017, public defenders must provide representation in those cases that were opened in prior fiscal years and have not yet been closed, as the table on the right illustrates.</p>							
<p>Trial Division Workload Reality Beyond the Numbers</p> <p>The chart displays two vertical bars representing case counts for the fiscal year 2017. The left bar is light blue and represents the total cases assigned in FY2017, which is 79,714. The right bar is yellow and represents the cases carried forward from FY2016, which is 31,988. The y-axis is labeled from 0 to 100,000 in increments of 10,000.</p> <table border="1"><thead><tr><th>Category</th><th>Value</th></tr></thead><tbody><tr><td>Total Cases Assigned in FY2017</td><td>79,714</td></tr><tr><td>Cases Carried Forward From FY2016</td><td>31,988</td></tr></tbody></table>		Category	Value	Total Cases Assigned in FY2017	79,714	Cases Carried Forward From FY2016	31,988
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Missouri State Public Defender System

Cases Assigned by Case Type

Fiscal Year	Murder 1st	Other Homicide	Felony	Murder + Felony Caseload	Misdemeanor	Juvenile	PCR	Other	Probation Violation	Appeals	Total Opened	Total Closed
FY17	179	195	45,364	45,738	16,487	1,617	1,264	458	19,405	843	85,812	78,629
FY16	187	138	42,276	42,601	16,121	1,677	829	204	18,557	766	80,755	71,934
FY15	167	148	37,879	38,194	14,853	1,831	916	174	16,831	799	73,598	71,464
FY14	129	138	38,554	38,821	15,228	1,830	939	166	17,460	752	75,196	72,197
FY13	152	207	38,785	39,144	16,692	1,670	986	238	18,477	792	77,999	79,985
FY12	121	197	38,551	38,869	20,948	1,923	1,212	159	20,320	966	84,397	81,871
FY11	148	149	35,753	36,050	22,767	1,893	1,088	119	20,066	913	82,896	80,137
FY10	161	164	34,781	35,106	24,768	2,393	1,141	131	20,147	930	84,616	81,346
FY09	121	180	33,226	33,527	25,181	2,513	1,264	181	19,518	898	83,082	81,704
FY08	158	154	34,766	35,078	26,098	2,715	1,061	182	19,555	716	85,405	85,116
FY07	174	161	35,109	35,444	27,816	3,380	828	129	19,157	743	87,497	85,133
FY06	138	146	35,339	35,623	28,227	3,676	838	46	19,412	710	88,532	83,260
FY05	156	124	33,282	33,562	28,931	3,881	937	120	20,012	688	88,131	87,180
FY04	154	140	34,422	34,716	28,018	4,258	807	98	20,263	756	88,916	86,356
FY03	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059
FY02	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165
FY01	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438
FY00	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591
FY99	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570
FY98	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495
FY97	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870
FY96	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664
FY95	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710
FY94	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453
FY93	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363
FY92	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651
FY91	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038
FY90	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425
FY89	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532
FY88	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117
FY87	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081
FY86	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491
FY85	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410
FY84	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730

Public Defender Trial Division District Map Fiscal Year 2017



June 30, 2017

State Auditor's Reports and Oversight Evaluation

Program or Division Name	Type of Report	Date Issued	Website
Public Defender Commission	Audit	October 1, 2012	http://www.auditor.mo.gov/Press/2012-129.pdf

Office of the State Public Defender

DECISION ITEM RANKING

Budgeting Unit Decision Item Fund	Rank	FY 2019 DEPT REQ DOLLAR	FY 2019 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN	CUMULATIVE TOTAL DOLLARS	FTE
OFFICE OF THE DIRECTOR							
CORE	001						
GENERAL REVENUE		37,776,510	595.13	0	0.00	0	0.00
TOTAL		37,776,510	595.13	0	0.00	0	0.00
EXTRAORDINARY EXPENSE/CONFLICT							
CORE	001						
GENERAL REVENUE		4,721,071	0.00	0	0.00	0	0.00
TOTAL		4,721,071	0.00	0	0.00	0	0.00
LEGAL DEFENSE & DEFENDER FUND							
CORE	001						
LEGAL DEFENSE AND DEFENDER		2,985,943	2.00	0	0.00	0	0.00
TOTAL		2,985,943	2.00	0	0.00	0	0.00
GRANTS							
CORE	001						
PUBLIC DEFENDER-FEDERAL & OTHR		125,000	0.00	0	0.00	0	0.00
TOTAL		125,000	0.00	0	0.00	0	0.00
OFFICE OF THE DIRECTOR							
COMPREHENSIVE COMPENSATION - 1151001	005						
GENERAL REVENUE		3,295,139	0.00	0	0.00	0	0.00
TOTAL		3,295,139	0.00	0	0.00	0	0.00
JUVENILE ADVOCACY - 1151002	005						
GENERAL REVENUE		973,999	18.00	0	0.00	0	0.00
TOTAL		973,999	18.00	0	0.00	0	0.00
CONSTITUTIONAL REPRESENTATION - 1151003	005						
GENERAL REVENUE		25,514,634	448.00	0	0.00	0	0.00
TOTAL		25,514,634	448.00	0	0.00	0	0.00
GRAND TOTAL		\$75,392,296	1,063.13	\$0	0.00		

Office of the State Public Defender
DECISION ITEM SUMMARY

Budget Unit Decision Item Budget Object Summary Fund	FY 2017 ACTUAL DOLLAR	FY 2017 ACTUAL FTE	FY 2018 BUDGET DOLLAR	FY 2018 BUDGET FTE	FY 2019 DEPT REQ DOLLAR	FY 2019 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN
OFFICE OF THE DIRECTOR								
CORE								
PERSONAL SERVICES								
GENERAL REVENUE	28,355,350	578.95	29,896,943	595.13	29,896,943	595.13	0	0.00
TOTAL - PS	28,355,350	578.95	29,896,943	595.13	29,896,943	595.13	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	5,921,158	0.00	7,879,567	0.00	7,879,567	0.00	0	0.00
TOTAL - EE	5,921,158	0.00	7,879,567	0.00	7,879,567	0.00	0	0.00
TOTAL	34,276,508	578.95	37,776,510	595.13	37,776,510	595.13	0	0.00
COMPREHENSIVE COMPENSATION - 1151001								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	3,295,139	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	3,295,139	0.00	0	0.00
TOTAL	0	0.00	0	0.00	3,295,139	0.00	0	0.00
JUVENILE ADVOCACY - 1151002								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	803,592	18.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	803,592	18.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	170,407	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	170,407	0.00	0	0.00
TOTAL	0	0.00	0	0.00	973,999	18.00	0	0.00
CONSTITUTIONAL REPRESENTATION - 1151003								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	20,620,992	448.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	20,620,992	448.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	4,893,642	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	4,893,642	0.00	0	0.00
TOTAL	0	0.00	0	0.00	25,514,634	448.00	0	0.00
GRAND TOTAL	\$34,276,508	578.95	\$37,776,510	595.13	\$67,560,282	1,061.13	\$0	0.00

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15111C																																																																																																											
Division:	Public Defender																																																																																																													
Core:	Legal Services	HB Section	HB 12.400																																																																																																											
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<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5" style="text-align: left; font-weight: bold;">FY 2019 Budget Request</th> <th colspan="5" style="text-align: right; font-weight: bold;">FY 2019 Governor's Recommendation</th> </tr> <tr> <th></th> <th style="text-align: center;">GR</th> <th style="text-align: center;">Federal</th> <th style="text-align: center;">Other</th> <th style="text-align: center;">Total</th> <th style="text-align: center;">E</th> <th></th> <th style="text-align: center;">GR</th> <th style="text-align: center;">Federal</th> <th style="text-align: center;">Other</th> <th style="text-align: center;">Total</th> <th style="text-align: center;">E</th> </tr> </thead> <tbody> <tr> <td>PS</td><td style="text-align: right;">29,896,943</td><td style="text-align: center;">0</td><td style="text-align: center;">0</td><td style="text-align: right;">29,896,943</td><td></td><td>PS</td><td style="text-align: right;">0</td><td style="text-align: center;">0</td><td style="text-align: center;">0</td><td style="text-align: right;">0</td><td></td></tr> <tr> <td>EE</td><td style="text-align: right;">7,879,567</td><td style="text-align: center;">0</td><td style="text-align: center;">0</td><td style="text-align: right;">7,879,567</td><td></td><td>EE</td><td style="text-align: right;">0</td><td style="text-align: center;">0</td><td style="text-align: center;">0</td><td style="text-align: right;">0</td><td></td></tr> <tr> <td>PSD</td><td style="text-align: right;">0</td><td style="text-align: center;">0</td><td style="text-align: center;">0</td><td style="text-align: right;">0</td><td></td><td>PSD</td><td style="text-align: right;">0</td><td style="text-align: center;">0</td><td style="text-align: center;">0</td><td style="text-align: right;">0</td><td></td></tr> <tr> <td>TRF</td><td style="text-align: right;">0</td><td style="text-align: center;">0</td><td style="text-align: center;">0</td><td style="text-align: right;">0</td><td></td><td>TRF</td><td style="text-align: right;">0</td><td style="text-align: center;">0</td><td style="text-align: center;">0</td><td style="text-align: right;">0</td><td></td></tr> <tr> <td>Total</td><td style="text-align: right;">37,776,510</td><td style="text-align: center;">0</td><td style="text-align: center;">0</td><td style="text-align: right;">37,776,510</td><td></td><td>Total</td><td style="text-align: right;">0</td><td style="text-align: center;">0</td><td style="text-align: center;">0</td><td style="text-align: right;">0</td><td></td></tr> <tr> <td>FTE</td><td style="text-align: right;">0.00</td><td style="text-align: center;">0.00</td><td style="text-align: center;">0.00</td><td style="text-align: right;">0.00</td><td></td><td>FTE</td><td style="text-align: right;">0.00</td><td style="text-align: center;">0.00</td><td style="text-align: center;">0.00</td><td style="text-align: right;">0.00</td><td></td></tr> <tr> <td><i>Est. Fringe</i></td><td style="text-align: right;"><i>8,879,392</i></td><td style="text-align: center;"><i>0</i></td><td style="text-align: center;"><i>0</i></td><td style="text-align: right;"><i>8,879,392</i></td><td></td><td><i>Est. Fringe</i></td><td style="text-align: right;"><i>0</i></td><td style="text-align: center;"><i>0</i></td><td style="text-align: center;"><i>0</i></td><td style="text-align: right;"><i>0</i></td><td></td></tr> </tbody> </table>					FY 2019 Budget Request					FY 2019 Governor's Recommendation						GR	Federal	Other	Total	E		GR	Federal	Other	Total	E	PS	29,896,943	0	0	29,896,943		PS	0	0	0	0		EE	7,879,567	0	0	7,879,567		EE	0	0	0	0		PSD	0	0	0	0		PSD	0	0	0	0		TRF	0	0	0	0		TRF	0	0	0	0		Total	37,776,510	0	0	37,776,510		Total	0	0	0	0		FTE	0.00	0.00	0.00	0.00		FTE	0.00	0.00	0.00	0.00		<i>Est. Fringe</i>	<i>8,879,392</i>	<i>0</i>	<i>0</i>	<i>8,879,392</i>		<i>Est. Fringe</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	
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<p>The Missouri State Public Defender System [MSPD] is a statewide system, providing legal representation to indigent defendants accused of state crimes in Missouri's trial, appellate, and supreme courts. It is an independent department of state government, located within, but not supervised by, the Judicial Branch. It is governed by a seven-member Public Defender Commission, appointed by the governor.</p>																																																																																																														
<p>This decision item includes funding for public defenders and their support staff throughout the state and central administrative staff. It also</p>																																																																																																														
3. PROGRAM LISTING (list programs included in this core funding)																																																																																																														
<p>The Missouri State Public Defender has only one program: providing constitutionally required criminal defense representation to Missourians facing the loss of liberty in state misdemeanor and felony prosecutions, as well as in appellate and post-conviction representation matters in which the state has created a right to counsel.</p>																																																																																																														

CORE DECISION ITEM

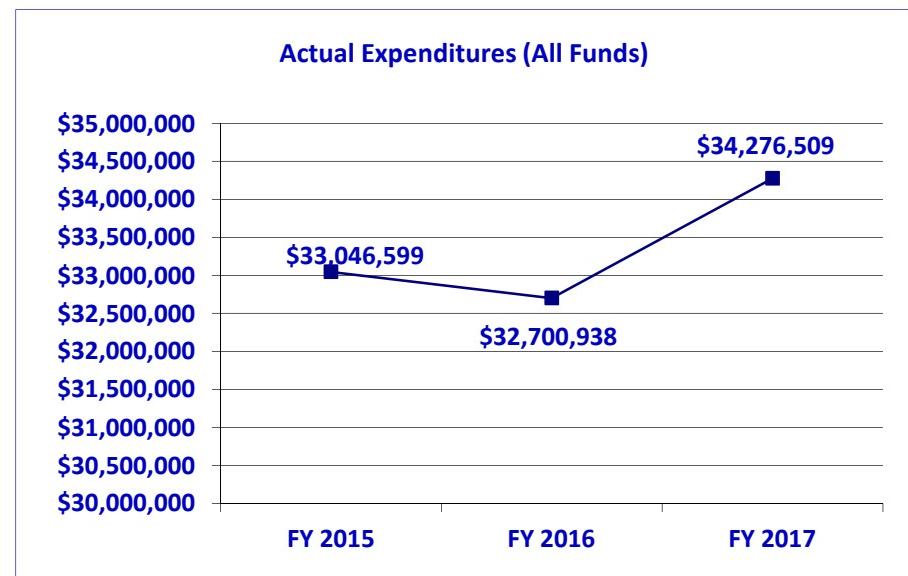
Department: Office of the State Public Defender
Division: Public Defender
Core: Legal Services

Budget Unit 15111C

HB Section HB 12.400

4. FINANCIAL HISTORY

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Current Yr.
Appropriation (All Funds)	\$36,018,838	\$32,700,939	\$37,776,510	\$37,776,510
Less Reverted (All Funds)	\$0	\$0	\$0	\$0
Less Restricted (All Funds)*	-\$2,972,238	\$0	-\$3,500,000	\$0
Budget Authority (All Funds)	\$33,046,600	\$32,700,939	\$34,276,510	\$37,776,510
Actual Expenditures (All Funds)	\$33,046,599	\$32,700,938	\$34,276,509	\$37,776,510
Unexpended (All Funds)	<u>\$1</u>	<u>\$1</u>	<u>\$1</u>	<u>\$0</u>
Unexpended, by Fund:				
General Revenue	1	1	1	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



*Restricted amount is \$0.00 as of October 1, 2017

Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

On June 30, 2015, after the close of the Accounting Fiscal Year 2015, Governor Nixon "released" the \$2,972,238 that had been withheld.

The \$3,500,000 withheld from Fiscal Year 2017, was not released.

Office of the State Public Defender
DECISION ITEM DETAIL

Budget Unit	FY 2017	FY 2017	FY 2018	FY 2018	FY 2019	FY 2019	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
CORE								
TEMPORARY EMPLOYEE	14,877	0.55	0	0.00	0	0.00	0	0.00
SECRETARY	3,253,853	119.17	3,409,888	122.50	3,399,692	120.50	0	0.00
COMPUTER INFO. SPECIALIST	349,123	6.64	469,099	6.25	413,043	7.50	0	0.00
INVESTIGATOR	1,998,721	55.86	2,108,350	57.38	2,186,458	57.63	0	0.00
PARALEGAL	203,535	5.50	200,753	6.50	168,144	4.50	0	0.00
MITIGATION SPECIALIST	288,753	7.22	286,874	7.00	322,229	8.00	0	0.00
ASSISTANT PUBLIC DEFENDER	17,790,928	324.48	18,885,424	336.50	18,774,860	335.00	0	0.00
DISTRICT DEFENDER	3,100,694	41.74	3,267,012	43.00	3,249,928	43.00	0	0.00
DIVISION DIRECTOR	599,146	5.49	580,849	5.00	565,659	5.00	0	0.00
PROGRAM TECHNICIAN	144,545	4.03	164,644	4.00	225,647	6.00	0	0.00
PROGRAM MANAGER	463,037	7.27	375,912	6.00	443,023	7.00	0	0.00
DIRECTOR	148,138	1.00	148,138	1.00	148,260	1.00	0	0.00
TOTAL - PS	28,355,350	578.95	29,896,943	595.13	29,896,943	595.13	0	0.00
TRAVEL, IN-STATE	910,585	0.00	950,000	0.00	935,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	9,060	0.00	12,500	0.00	10,000	0.00	0	0.00
FUEL & UTILITIES	44,003	0.00	47,500	0.00	45,000	0.00	0	0.00
SUPPLIES	440,732	0.00	305,000	0.00	445,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	143,387	0.00	4,500	0.00	143,500	0.00	0	0.00
COMMUNICATION SERV & SUPP	370,557	0.00	418,205	0.00	375,000	0.00	0	0.00
PROFESSIONAL SERVICES	2,086,502	0.00	4,950,677	0.00	3,985,067	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	110,963	0.00	118,685	0.00	115,000	0.00	0	0.00
M&R SERVICES	411,277	0.00	175,000	0.00	415,000	0.00	0	0.00
COMPUTER EQUIPMENT	415,963	0.00	25,000	0.00	425,000	0.00	0	0.00
MOTORIZED EQUIPMENT	25,881	0.00	0	0.00	26,000	0.00	0	0.00
OFFICE EQUIPMENT	38,978	0.00	20,000	0.00	40,000	0.00	0	0.00
OTHER EQUIPMENT	57,896	0.00	5,000	0.00	60,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	776,879	0.00	780,000	0.00	780,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	28,220	0.00	17,500	0.00	30,000	0.00	0	0.00
MISCELLANEOUS EXPENSES	50,275	0.00	50,000	0.00	50,000	0.00	0	0.00
TOTAL - EE	5,921,158	0.00	7,879,567	0.00	7,879,567	0.00	0	0.00
GRAND TOTAL	\$34,276,508	578.95	\$37,776,510	595.13	\$37,776,510	595.13	\$0	0.00
GENERAL REVENUE	\$34,276,508	578.95	\$37,776,510	595.13	\$37,776,510	595.13		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

FLEXIBILITY REQUEST FORM

BUDGET UNIT NUMBER: 15111C	DEPARTMENT: Office of the State Public Defender
BUDGET UNIT NAME: Office of the State Public Defender - Legal Services	
HOUSE BILL SECTION: 12.400	DIVISION: Director's Office - Legal Services

1. Provide the amount by fund of personal service flexibility and the amount by fund of expense and equipment flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed. If flexibility is being requested among divisions, provide the amount by fund of flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed.

DEPARTMENT REQUEST

As in previous years, the Office of the State Public Defender is requesting full flexibility in our legal services appropriations. (Appropriations 0911, 0912 and 8727). Due to the turnover of attorney positions, the number of conflicts and the overload of cases, it is frequently necessary to transfer cases from state employees (Appropriation 0911) to private counsel who can be compensated from appropriation 0912 or 8727.

It is also necessary to transfer vacancy savings dollars from the Personal Service Appropriation to the Expense and Equipment Appropriation to cover appropriation shortfalls in case litigation expenses and increasing office expenses such as travel, postage, equipment maintenance and network charges.

2. Estimate how much flexibility will be used for the budget year. How much flexibility was used in the Prior Year Budget and the Current Year Budget? Please specify the amount.

PRIOR YEAR ACTUAL AMOUNT OF FLEXIBILITY USED	CURRENT YEAR ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED	BUDGET REQUEST ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED
\$998,712	\$1,000,000	\$1,000,000

3. Please explain how flexibility was used in the prior and/or current years.

PRIOR YEAR EXPLAIN ACTUAL USE	CURRENT YEAR EXPLAIN PLANNED USE
\$988,712 was transferred from Personal Service (0911) to Expense & Equipment (0912) to cover a significant shortage in litigation costs, general operating costs and \$643,067 of conflict cases transferred to private counsel.	Flexibility will be utilized to best meet the caseload demands of the State Public Defender System. Dollars from Personal Service vacancy savings could be used to meet the costs of operating the local offices or to contract out cases to private bar as the need arises or to pay for increasing necessary litigation expenses.

NEW DECISION ITEM
RANK: 5 **OF 5**

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender	
DI Name: Comprehensive Compensation DI# <u>1151001</u>	HB Section <u>12.400</u>

1. AMOUNT OF REQUEST

	FY 2019 Budget Request					FY 2019 Governor's Recommendation				
	GR	Federal	Other	Total	E	GR	Federal	Other	Total	E
PS	3,295,139	0	0	3,295,139		PS	0	0	0	0
EE	0	0	0	0		EE	0	0	0	0
PSD	0	0	0	0		PSD	0	0	0	0
TRF	0	0	0	0		TRF	0	0	0	0
Total	3,295,139	0	0	3,295,139		Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00		FTE	0.00	0.00	0.00	0.00

Est. Fringe	978,656	0	0	978,656
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

New Legislation	New Program	Fund Switch
Federal Mandate	Program Expansion	Cost to Continue
GR Pick-Up	Space Request	Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	Other:	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

Assistant Public Defender recruitment and retention is critical to the Missouri State Public Defender System's (MSPD) ability to meet its constitutional mandate of effective representation, especially in light of the fact that it is operating with less than one half the attorneys and one quarter the support staff needed for its existing caseload. Further, MSPD must be able to retain the employees it does have in order to avoid the backlog that occurs to the existing high caseloads when attorneys move on to other jobs.

NEW DECISION ITEM
RANK: 5 OF 5

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Public Defender</u>	
DI Name: <u>Comprehensive Compensation</u> DI# <u>1151001</u>	HB Section <u>12.400</u>

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

MSPD must be able to pay a competitive salary and offer advancement opportunities to address APD recruitment and retention issues. This can be accomplished through the repositioning of existing job classes to salary ranges that more accurately reflect market/competitive pay and by expanding the job classification structure, creating additional promotion opportunities. The proposed salary minimum represents the first pay step on the planned pay range. Salary structures of the Attorney General, local Prosecutor's Offices and other statewide public defender offices were consulted prior to developing the proposed compensation structures.

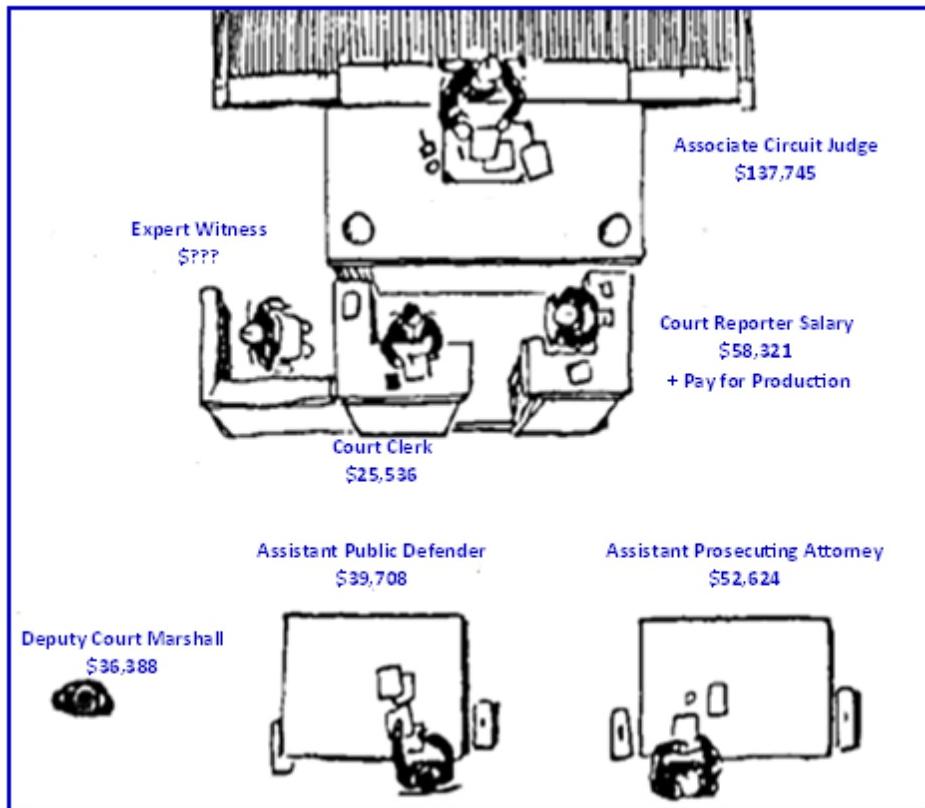
The American Bar Association (ABA) adopted 10 Principles of a Public Defense Delivery System in 1992. The Principles were created by the ABA's Standing Committee on Legal and Indigent Defendants and were approved by the ABA House of Delegates in February 2002, as a practical guide for governmental officials, policymakers, and other parties who are charged with creating and funding new, or improving existing, public defense delivery systems.

Principle 8: "There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included in as an equal partner in the justice system."

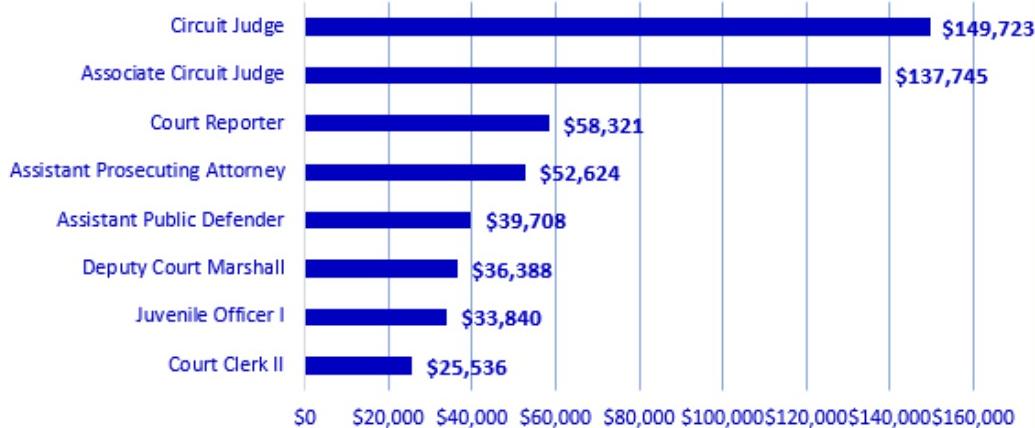
The commentary on this principle calls for parity of salaries. Prosecuting attorneys and public defenders are key players in the criminal justice system and require the same education and experience. Compensation should be comparable.

As the economy remains strong, APD turnover continues to increase with the separation rate for Fiscal Year 17 at 17.99%, up 3.38% from Fiscal Year 16. A significant contributing factor to turnover is the salaries MSPD is able to pay APDs.





Key Members of a Criminal Courtroom in Boone County - Entry Level Annual Salary -



**County Assistant Prosecuting Attorney
& Assistant Attorney General Comparisons**

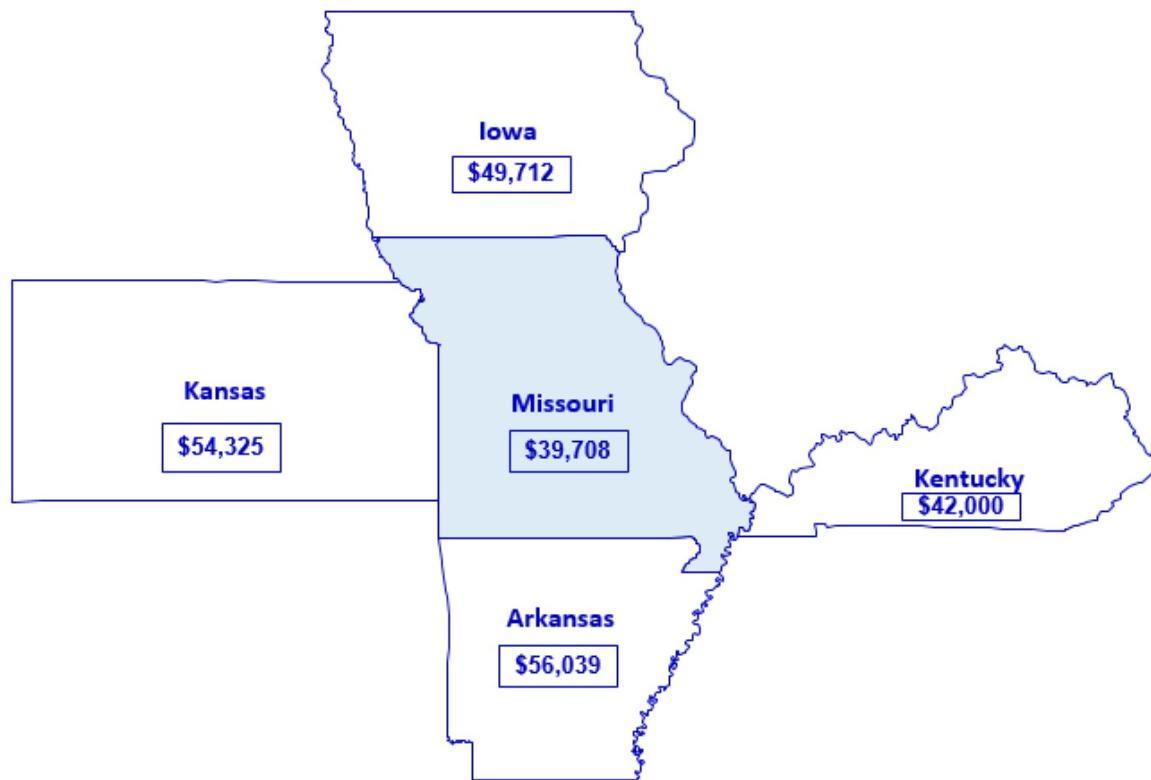
County	Starting Salary	Average Salary
Boone	\$52,624	\$64,833
Cole	\$43,188	\$55,929
Greene	\$49,819	\$62,046
St. Louis County	\$50,856	\$74,497
Missouri Assistant Attorney General	\$45,500	\$62,588
Missouri Assistant Public Defender Trial Division	\$39,708	\$50,784

**County Prosecuting Attorney
Set By Statute**

	Starting Salary	Average Salary
County Prosecuting Attorney	\$137,745	\$137,745
MSPD District Defender	\$72,528	\$74,472

In addition, Missouri Assistant Public defenders make less than their counterparts in other statewide public defender systems.

Starting Salaries Assistant Public Defenders



NEW DECISION ITEM
RANK: 5 **OF 5**

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender	
DI Name: Comprehensive Compensation DI# <u>1151001</u>	HB Section <u>12.400</u>

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS	E
Assistant Public Defenders / C00400	1,804,620						1,804,620			
District Defenders / C00460	1,490,519						1,490,519		0.0	
Total PS	3,295,139	0.0	0	0.0	0	0.0	3,295,139	0.0	0	
							0		0	
							0		0	
Total EE	0	0	0	0	0	0	0	0	0	
Program Distributions							0		0	
Total PSD	0	0	0	0	0	0	0	0	0	
Transfers										
Total TRF	0	0	0	0	0	0	0	0	0	
Grand Total	3,295,139	0.0	0	0.0	0	0.0	3,295,139	0.0	0	

PROPOSED
Missouri State Public Defender Attorney Pay Plan

Proposed Classification	Minimum Qualifications	Minimum	Salary Range
Assistant Public Defender I	Member of Missouri Bar or eligible for bar licensure in Missouri	\$46,992	29F
		(0-1 year)	(\$46,992 - \$68,052)
Assistant Public Defender II	1 year experience as APDI Provides representation as assigned	\$50,112	31F
		(1 year)	(\$50,112 - \$72,636)
Assistant Public Defender III	2 years experience as APDII Provides representation in complex & serious cases Is active in training & mentoring	\$58,896	34H
		(3+ years)	(\$58,896 - \$82,656)
Assistant Public Defender IV	2 years experience as APDIII Provides representation in complex & serious cases Is active in training & mentoring	\$66,672	37H
		(5+ years)	(\$66,672 - \$94,164)
Assistant Public Defender V	2 years experience as APDIV Provides representation in complex & serious cases Is active in training & mentoring	\$72,528	39H
		(5+ years)	\$72,528 – \$102,828
Assistant Public Defender VI	2 years experience as APDV Provides representation in complex & serious cases Is active in training & mentoring	\$77,472	41H
		(8+ years)	(\$77,472 - \$112,320)
Deputy District Defender	(Midpoint Salary of \$94,164 Used for Budgeting)	\$77,472	41H
			(\$77,472 - \$112,320)
District Defender	(Midpoint Salary of \$102,828 Used for Budgeting)	\$84,444	43H
			(\$84,444 - \$122,676)

Assistant Public Defenders					
Job Title	Current # of FTE	Proposed # of FTE	FY17 Salary	Proposed Salary	Cost
Assistant Public Defender I	75.00		\$39,708		\$2,978,100
Assistant Public Defender I		75.00		\$46,992	\$3,524,400
					Assistant Public Defender I Salary Adjustment Cost <u>\$546,300</u>
Assistant Public Defender II	74.00		\$46,992		\$3,477,408
Assistant Public Defender II		74.00		\$50,112	\$3,708,288
					Assistant Public Defender II Salary Adjustment Cost <u>\$230,880</u>
Assistant Public Defender III	66.00		\$52,116		\$3,439,656
Assistant Public Defender III		66.00		\$58,896	\$3,887,136
					Assistant Public Defender III Salary Adjustment Cost <u>\$447,480</u>
Assistant Public Defender IV	109.00		\$63,912		\$6,966,408
Assistant Public Defender IV		74.00		\$66,672	\$4,933,728
					Assistant Public Defender IV Salary Adjustment Cost <u>-\$2,032,680</u>
Assistant Public Defender V	0.00		\$0		\$0
Assistant Public Defender V		20.00		\$72,528	\$1,450,560
					Assistant Public Defender V Salary Adjustment Cost <u>\$1,450,560</u>
Assistant Public Defender VI	0.00		\$0		\$0
Assistant Public Defender VI		15.00		\$77,472	\$1,162,080
					Assistant Public Defender VI Salary Adjustment Cost <u>\$1,162,080</u>
Total FTE	324.00	324.00		Total Decision Item Cost	\$1,804,620

District Defenders					
Deputy District Defenders					
Job Title	Current # of FTE	Proposed # of FTE	FY17 Salary	Proposed Salary	Cost
Deputy District Defenders	11.00		\$69,528		\$764,808
Deputy District Defenders (Mid-Point of Range)		11.00		\$94,164	\$1,035,804
District Defender	43.00		\$74,467		\$3,202,081
District Defender (Mid-Point of Range)		43.00		\$102,828	\$4,421,604
Total FTE	54.00	54.00	Total Decision Item Cost		\$1,490,519

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender	
DI Name: Comprehensive Compensation <u>DI#1151001</u>	HB Section <u>12.400</u>

6. PERFORMANCE MEASURES (If new decision item has an associated core, separately identify projected performance with & without additional funding.)

When an Assistant Public Defender (APD) leaves MSPD for another job, cases must be reassigned to other APD's who are already overloaded with high caseloads. This results in case delays for clients, puts additional burdens on local county jails as defendants continue to sit in jail awaiting case resolution, and creates unnecessary backlogs for the courts. In addition, high turnover creates a constant cycle of hiring, training, and rehiring as APD's gain valuable knowledge and experience and then seek other jobs negatively impacting the morale and increasing burnout of remaining staff. All of which ultimately end up costing the Missouri taxpayer.

Office of the State Public Defender
DECISION ITEM DETAIL

Budget Unit	FY 2017 ACTUAL DOLLAR	FY 2017 ACTUAL FTE	FY 2018 BUDGET DOLLAR	FY 2018 BUDGET FTE	FY 2019 DEPT REQ DOLLAR	FY 2019 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN
OFFICE OF THE DIRECTOR								
COMPREHENSIVE COMPENSATION - 1151001								
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	1,804,620	0.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	1,490,519	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	3,295,139	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$3,295,139	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$3,295,139	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender		Budget Unit 15111C									
Division: Public Defender											
DI Name: Juvenile Advocacy Offices		DI# 1511003									
		HB Section 12.400									
1. AMOUNT OF REQUEST											
FY 2019 Budget Request					FY 2019 Governor's Recommendation						
	GR	Federal	Other	Total	E		GR	Federal	Other	Total	E
PS	803,592	0	0	803,592		PS	0	0	0	0	
EE	170,407	0	0	170,407		EE	0	0	0	0	
PSD	0	0	0	0		PSD	0	0	0	0	
TRF	0	0	0	0		TRF	0	0	0	0	
Total	973,999	0	0	973,999		Total	0	0	0	0	
FTE	18.00	0.00	0.00	18.00		FTE	0.00	0.00	0.00	0.00	
Est. Fringe	432,851	0	0	432,851		Est. Fringe	0	0	0	0	
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.					Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.						
Other Funds:					Other Funds:						
2. THIS REQUEST CAN BE CATEGORIZED AS:											
<input type="checkbox"/> New Legislation <input type="checkbox"/> Federal Mandate <input type="checkbox"/> GR Pick-Up <input type="checkbox"/> Pay Plan			<input checked="" type="checkbox"/> New Program <input type="checkbox"/> Program Expansion <input type="checkbox"/> Space Request <input type="checkbox"/> Other:			<input type="checkbox"/> Fund Switch <input type="checkbox"/> Cost to Continue <input type="checkbox"/> Equipment Replacement					
3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.											
<p>In the Spring of 2013, the National Juvenile Defender Center issued an assessment of Missouri's system of juvenile indigent defense representation. The report was part of a national strategy to review state juvenile indigent defense delivery systems and to evaluate how effectively attorneys in juvenile court are fulfilling their constitutional and statutory obligations to their clients. (- continued next page -)</p>											

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender	
DI Name: Juvenile Advocacy Offices	DI# <u>1511003</u>

The study concluded that “Missouri’s indigent defense system is in crisis and has endured at least two decades of crushing caseloads and inadequate resources to provide its mandated services,” and little to no attention has been paid to what this crisis has meant to poor children accused of a criminal offense. Specifically, it found that:

“children facing criminal or status offenses in Missouri’s juvenile justice system frequently do so without the benefit of counsel or without adequate representation through all critical stages. There are significant gaps in both access to and quality of representation provided to youth that fall well below the standards established by the Institute of Judicial Administration and American Bar Association’s *Juvenile Justice Standards*, the ABA *Rules of Professional Conduct*, the *Ten Core Principles for Juvenile Indigent Defense* established by NJDC and NJDS’s newly release *National Juvenile Defense Standards*. Justice is often rationed to juveniles in Missouri for a variety of reasons, not the least of which is the crisis in the public defender system....”

Further, the NJDC assessment emphasized that "the defense lawyer plays a critical role for youth in delinquency court by protecting clients from unfairness, promoting accuracy in decision making, providing alternatives for decision makers, and monitoring institutional treatment, after care and reentry. Throughout the entire court process the juvenile defender is the individual responsible for bringing the child's perspective and interests before the court." Not only is the defense lawyer the child's voice, in order to adequately represent a child, they need to be knowledgeable in other areas including adolescent brain development, education law, childhood mental illnesses, trauma, and cognitive limitations, age-appropriate treatments and disposition options, and juvenile court practice and procedure. Specialization is critical when representing youth.

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender	
DI Name: Juvenile Advocacy Offices	DI# <u>1511003</u>

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFF fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Utilizing data provided from the Office of the State Court's Administrator, there were 14,342 formal juvenile cases filed statewide in 2012 (the last year that OSCA has provided MSPD with numbers), of which 7,836 were abuse/neglect cases, leaving 6,506 juvenile cases where the juvenile was entitled to an attorney. Of the 6,506 juveniles, only 13% were actually represented by private counsel. That leaves 5,660 juvenile cases where the juvenile needed a public defender. However, in that same year, MSPD provided representation in just 1,923 juvenile cases.

As a result of this finding, the Missouri Juvenile Justice Association is seeking a rule or statutory change to prohibit the waiver of counsel by juveniles (this need has become even more so given the Department of Justice's findings in its recent report on St. Louis County). In the meantime, they have asked MSPD to pursue the reinstatement of the two Juvenile Advocacy Units, one in the Kansas City area and one in the greater St. Louis area. (MSPD previously had these units, but had to relinquish them when trial division caseloads became too high and no additional personnel were added.)

These specialized units not only better serve juvenile clients, they also provide a resource and expertise for those providing juvenile representation throughout the state. This will become even more essential if waiver of counsel in these cases is eliminated and more public defenders and inexperienced private attorneys are appointed to provide juvenile defense representation.

MSPD is requesting juvenile attorney staffing at the recommended RubinBrown workload standards. MSPD is also seeking one additional attorney in each office to represent juveniles certified to stand trial as an adult and to serve as a statewide juvenile resource attorney to assist local offices across the rest of the state.

NEW DECISION ITEM

RANK: 5 OF 5

Department: Office of the State Public Defender			Budget Unit	<u>15111C</u>					
Division: Public Defender									
DI Name: Juvenile Advocacy Offices	DI# <u>1511003</u>		HB Section	<u>12.400</u>					
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS E
Secretary / C00200	106,608	4.0					106,608	4.0	
Investigator / C00300	61,152	2.0					61,152	2.0	
Mitigation Specialist / C00350	73,848	2.0					73,848	2.0	
Assistant Public Defender / C00400	416,928	8.0					416,928	8.0	
District Defender / C00460	145,056	2.0					145,056	2.0	
Total PS	803,592	18.0	0	0.0	0	0.0	803,592	18.0	0
Travel / 140	46,200						46,200		
Supplies / 190	9,100						9,100		
Rent / 680	87,237						87,237		
Phones & Network Costs / 340	12,870						12,870		
Professional Costs / 400	15,000						15,000		
Total EE	170,407		0		0		170,407		0
Program Distributions							0		
Total PSD	0		0		0		0		0
Transfers									
Total TRF	0		0		0		0		0
Grand Total	973,999	18.0	0	0.0	0	0.0	973,999	18.0	0

Missouri State Public Defender JUVENILE CASELOAD			
ST. LOUIS AREA - FY2017 Actual Juvenile Cases Handled			
St. Louis City	242		
St. Louis County	327		
St. Charles	62		
Total Number of Cases	631		
* RubinBrown/ABA Hours	<u>19.50</u>	*Does Not Include Travel or Court Time	
Hours Required	12,304.50		
/ Hours per Attorney Per Year	<u>2,080.00</u>		
	5.92		
Statewide Juvenile Resource Attorney	<u>1.00</u>		
Total Attorneys Requested	6.92	(Round to 7)	
Job Titles	FTE	Salary	Cost
District Defender	1.00	\$72,528	\$72,528
Assistant Public Defenders III	6.00	\$52,116	\$312,696
Juvenile Dispositional Specialist	1.00	\$36,924	\$36,924
Legal Assistant	1.00	\$25,536	\$25,536
Investigator	1.00	\$30,576	\$30,576
Secretary	<u>1.00</u>	\$27,768	<u>\$27,768</u>
TOTAL PERSONAL SERVICE	11.00		\$506,028
Travel & Parking			
\$95/ mo * 12 * 12 = Parking			\$12,540
\$200/ mo * 12 * 8 = Mileage			\$19,200
Supplies			\$3,000
Professional			\$7,500
Telephone \$90 * 11.50			\$990
Network Costs \$450 * 12 months			\$5,400
Postage \$300 * 12 months			\$2,400
Building Costs			\$45,792
TOTAL EXPENSE & EQUIPMENT			\$96,822
TOTAL COSTS ST. LOUIS AREA			\$602,850

Missouri State Public Defender JUVENILE CASELOAD				
JACKSON COUNTY - FY2017 Actual Juvenile Cases Handled				
Jackson County	173.00			
* RubinBrown/ABA Hours	<u>19.50</u>			
Hours Required	3373.50			*Does Not Include Travel or Court Time
/ Hours per Attorney Per Year	<u>2080.00</u>			
	1.62			
Statewide Juvenile Resource Attorney	<u>1.00</u>			
Total Attorneys Requested	2.62	(Round to 3)		
Job Titles	FTE	Salary	Cost	
District Defender	1.00	\$72,528	\$72,528	
Assistant Public Defenders III	2.00	\$52,116	\$104,232	
Juvenile Dispositional Specialist	1.00	\$36,924	\$36,924	
Legal Assistant	1.00	\$25,536	\$25,536	
Investigator	1.00	\$30,576	\$30,576	
Secretary	<u>1.00</u>	\$27,768	\$27,768	
TOTAL PERSONAL SERVICE	7.00		\$297,564	
Travel & Parking				
\$65/ mo *12*8 = Parking			\$5,460	
\$125/ mo *12*6 = Mileage			\$9,000	
Supplies			\$2,500	
Professional			\$7,500	
Telephone \$90 *12			\$1,080	
Network Costs \$450 * 12			\$5,400	
Postage \$100 * 12			\$1,200	
Building Costs			<u>\$41,445</u>	
TOTAL EXPENSE & EQUIPMENT			\$73,585	
TOTAL COSTS JACKSON COUNTY			\$371,149	
TOTAL COSTS FOR EXISTING JUVENILE CASES ST. LOUIS AREA & JACKSON COUNTY				\$973,999

Office of the State Public Defender
DECISION ITEM DETAIL

Budget Unit	FY 2017 ACTUAL DOLLAR	FY 2017 ACTUAL FTE	FY 2018 BUDGET DOLLAR	FY 2018 BUDGET FTE	FY 2019 DEPT REQ DOLLAR	FY 2019 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN
OFFICE OF THE DIRECTOR								
JUVENILE ADVOCACY - 1151002								
SECRETARY	0	0.00	0	0.00	106,608	4.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	61,152	2.00	0	0.00
MITIGATION SPECIALIST	0	0.00	0	0.00	73,848	2.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	416,928	8.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	145,056	2.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	803,592	18.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	46,200	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	9,100	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	12,870	0.00	0	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	15,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	87,237	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	170,407	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$973,999	18.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$973,999	18.00		
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		

NEW DECISION ITEM

RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>										
Division: Public Defender											
DI Name: Caseload Relief - Constitutionally Mandated Representation	DI# <u>1151003</u>										
	HB Section <u>12.400</u>										
1. AMOUNT OF REQUEST											
FY 2019 Budget Request					FY 2019 Governor's Recommendation						
	GR	Federal	Other	Total	E		GR	Federal	Other	Total	E
PS	20,620,992	0	0	20,620,992		PS	0	0	0	0	
EE	4,893,642	0	0	4,893,642		EE	0	0	0	0	
PSD	0	0	0	0		PSD	0	0	0	0	
TRF	0	0	0	0		TRF	0	0	0	0	
Total	25,514,634	0	0	25,514,634		Total	0	0	0	0	
FTE	448.00	0.00	0.00	448.00		FTE	0.00	0.00	0.00	0.00	
Est. Fringe	10,957,459	0	0	10,957,459		Est. Fringe	0	0	0	0	
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.					Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.						
Other Funds:					Other Funds:						
2. THIS REQUEST CAN BE CATEGORIZED AS:											
New Legislation	<input type="checkbox"/>			New Program	<input type="checkbox"/>			Fund Switch			
Federal Mandate	<input type="checkbox"/>			Program Expansion	<input type="checkbox"/>			Cost to Continue			
GR Pick-Up	<input type="checkbox"/>			Space Request	<input type="checkbox"/>			Equipment Replacement			
Pay Plan	<input checked="" type="checkbox"/>			Other: Constitutionally Mandated Representation							
3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.											
<p>As stated in the program description, the issue of Missouri Public Defender's workload has been the subject of many different studies. Through budget requests, the media and eventually law suits, the Missouri State Public Defender (MSPD) has warned that the rights of poor Missourians are being violated throughout the state because MSPD's resources are too few and the caseloads too high. These claims were confirmed for both juveniles and adults.</p>											

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender	
DI Name: Caseload Relief - Constitutionally Mandated Representation	DI#1151003 HB Section 12.400

In the Spring of 2013, the National Juvenile Defender Center (NJDC) released a report that declared Missouri's indigent defense system to be "in crisis" after having "endured two decades of crushing caseloads and inadequate resources to provide its mandated services." A year later, following yet another failed attempt to acquire more resources, the American Bar Association (ABA) released the results of a commissioned report using a nationally renowned accounting firm, RubinBrown, which assessed MSPD's workload data in order to draw unbiased conclusions.

To facilitate this review, MSPD became the first public defender system in the country to require its attorneys to track time in five minute increments. Applying the Delphi methodology, a proven business-analysis model, the ABA Report, "The Missouri Project", found that MSPD did not have nearly enough resources to meet its obligations and that a significant number of additional attorneys were needed.

When these case weights are applied to MSPD's 2017 caseload, the number of staff MSPD would need to meet its caseload is 347 additional attorneys (see case weight metrics to the right). 336 attorneys are requested in the Constitutionally Mandated Representation decision item. 11 attorneys are requested in the Juvenile Advocacy decision item. This proposal further seeks funding that would allow MSPD to assign all Trial Division conflict cases to private attorneys, which remains the single most efficient way to immediately impact case overload.

ABA/RubinBrown Workload Study Hours Per Type of Case	
Non-Capital Homicide	106.6
A/B Felony Offense	47.6
C/D Felony Offense	25.0
Sex Offense - Felony	63.8
Misdemeanor	11.7
Juvenile	19.5
Appeals/PCR	96.5
Probation Violation	9.8

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

This Decision Item presumes that:

1. All Trial Division conflict cases are contracted out to the private bar;
2. Current contract fee amounts to private counsel remain flat;
3. Caseload, and the percentage of cases that have conflicts, remain relatively flat; and
4. The personnel increase, included in **Part B**, is also funded.

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender	
DI Name: Caseload Relief - Constitutionally Mandated Representation	DI# 1151003
	HB Section 12.400

CASELOAD RELIEF - Constitutionally Mandated Representation
Contracting ALL Trial Division Conflict Cases (PART A)

When a case involves multiple defendants, there is always the risk that one will point a finger at the other. Therefore, the local defender office can only represent one co-defendant and any other co-defendants must be represented elsewhere, either by another defender office or by private counsel on a contract for representation. Historically, MSPD had sent the first co-defendant to another defender office and contracted out additional co-defendants to private counsel.

To assist in efficiencies, in Fiscal Year 2018, the Missouri State Legislature and the Governor, provided an additional \$4,421,988 unrestricted funds for the purpose of contracting out all conflicts to private attorneys.

Although the private counsel fee schedule has not been adjusted in years, due to 6.25% caseload increase from Fiscal Year 2016 to Fiscal Year 2017 and due to the fact that are simply more conflicts, an additional \$858,842 is needed to be able to contract out all conflicts.

Missouri State Public Defender Private Counsel Fee Schedule		
Case Type	Description	Contract Rates
15	Murder 1st Degree	\$10,000
62	Sexual Predator Trial	\$8,000
20	Other Homicide	\$6,000
30D	AB Felony Drug	\$750
30F	AB Felony Other	\$1,500
30X	AB Felony Sex	\$2,000
35D	CDE Felony Drug	\$750
35F	CDE Felony Other	\$750
35X	CDE Felony Sex	\$1,500
45M	Misdemeanor	\$375
50N	Juvenile - Non Violent	\$500
50V	Juvenile - Violent	\$750
65	Probation Violation	\$375
110F	Direct Appeals - Felony	\$3,750
110S	Direct Appeal - Misdemeanor	\$3,750
124A	Rule 24.035 Appeal	\$500
124M	Rule 24.035 Motion	\$500
	Rule 24.035 Evidentiary Hearing	\$250
129A	Rule 29.15 Appeal	\$1,875
	Rule 29.15 Evidentiary Hearing	\$500
129M	Rule 29.15 Motion	\$1,000

Note: MSPD will pay additional compensation in cases resolved by Trials
Jury Trial \$1,500 for the first day and \$750 for each additional day
Bench Trial \$750 per day - prorated

FY2017 CONFLICT CASES - Trial Division Does Not include Appellate, Capital or CDU				
Case Type	Description	Conflicts (41, 42, & 49's)	Contract Rates	Cost of Contracts
15	Murder 1st Degree	35	\$10,000	\$350,000
20	Other Homicide	42	\$6,000	\$252,000
30D	AB Felony Drug	545	\$750	\$408,750
30F	AB Felony Other	773	\$1,500	\$1,159,500
30X	AB Felony Sex	68	\$2,000	\$136,000
35D	CDE Felony Drug	1,914	\$750	\$1,435,500
35F	CDE Felony Other	3,029	\$750	\$2,271,750
35X	CD Felony Sex	26	\$1,500	\$39,000
45M	Misdemeanor	1,393	\$375	\$522,375
45T	Misdemeanor - Traffic	129	\$375	\$48,375
50N	Juvenile - Non Violent	142	\$500	\$71,000
50S	Juvenile - Status	4	\$500	\$2,000
50V	Juvenile - Violent	83	\$750	\$62,250
65F	Probation Violation - Felony	792	\$375	\$297,000
65M	Probation Violation - Misd	190	\$375	\$71,250
	Totals	9,165		\$7,126,750
	Fiscal Year 2018 Contract Budget			<u>-\$6,267,908</u>
	Additional Appropriation Required to Contract Out All Trial Division Conflicts			\$858,842
ALL TRIAL CONFLICTS TO PRIVATE COUNSEL				

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender	
DI Name: Caseload Relief - Constitutionally Mandated Representation	DI# 1151003 HB Section 12.400

Attorney Staff Needed to Handle Remaining Caseload: Removing all conflict cases helps to reduce the public defender case overload, but it does not eliminate it. Assuming that there is no increase in caseload, MSPD would still be 347 lawyers short of the number of attorneys needed according to the ABA report. This number is determined by applying RubinBrown's average case weights to the number of cases for each case type assigned for Fiscal Year 2017. The number was calculated after conflicts have all been eliminated and contracted to private attorneys. Attorney travel time and court time were added to the RubinBrown metrics calculations, resulting in 1,470,060 attorney hours required. Assuming 2,080 available attorney hours each year—707 attorneys would be required to provide effective, constitutional representation. The current number of Trial and Appellate Division attorneys is 359.50. There are 11.50 attorneys requested in a separate Juvenile Advocacy decision item; leaving 336 attorneys to be requested in this decision item.

Support Staff: Every law practice management expert will affirm that lawyer time needs to be leveraged by utilizing support staff for everything that can be done by a non-lawyer. This allows the lawyer to focus on tasks that only a lawyer can do. Therefore, MSPD is requesting 1 legal assistant for every 3 attorneys; that would mean 112 legal assistants in order to meet that ratio.

Attorneys and support staff would be allocated to the most over-worked offices based on several factors including but not limited to: the RubinBrown caseload weights, problematic counties to practice in, difficult prosecutors to negotiate with, office space available, etc.

The calculations for the Trial Division office only include the juvenile cases where the public defender system is currently providing juvenile representation. Some local public defender offices do not provide representation for juveniles and in those instances many counties are contracting with private attorneys to do so. A separate decision item is included in MSPD's FY2019 Legislative Budget Request to set up juvenile advocacy offices in St. Louis Area and in Kansas City.

Some of the staffing requested in this decision item would be used to establish a Springfield Appellate/Post-Conviction office. (The caseload numbers for these appellate/pcr cases are included in the RubinBrown metrics and in the total number of attorneys needed for effective representation.) The Appellate/Post-conviction Division presents unique overload issues, which unlike Trial Division conflicts, are best addressed not through increased contracting to private counsel, but by the creation of an additional appellate/post-conviction office in Springfield, MO.

The attorneys in this division represent defendants who have already been convicted of a crime and are raising issues of error in the judicial process that led to their conviction. Post-conviction counsel must always review and raise, where appropriate, the issue of ineffective assistance of the client's previous counsel. This means that the office that provides appellate representation for a client will always have a conflict handling that client's post-conviction proceedings, which is why MSPD has six appellate/post-conviction offices, two each in St. Louis, Kansas City, and Columbia. Each duo of offices is able to handle conflict cases for one another, without (most) of those cases having to be shipped across the state to one of the other two appellate/post-conviction office locations.

NEW DECISION ITEMRANK: 5 OF 5

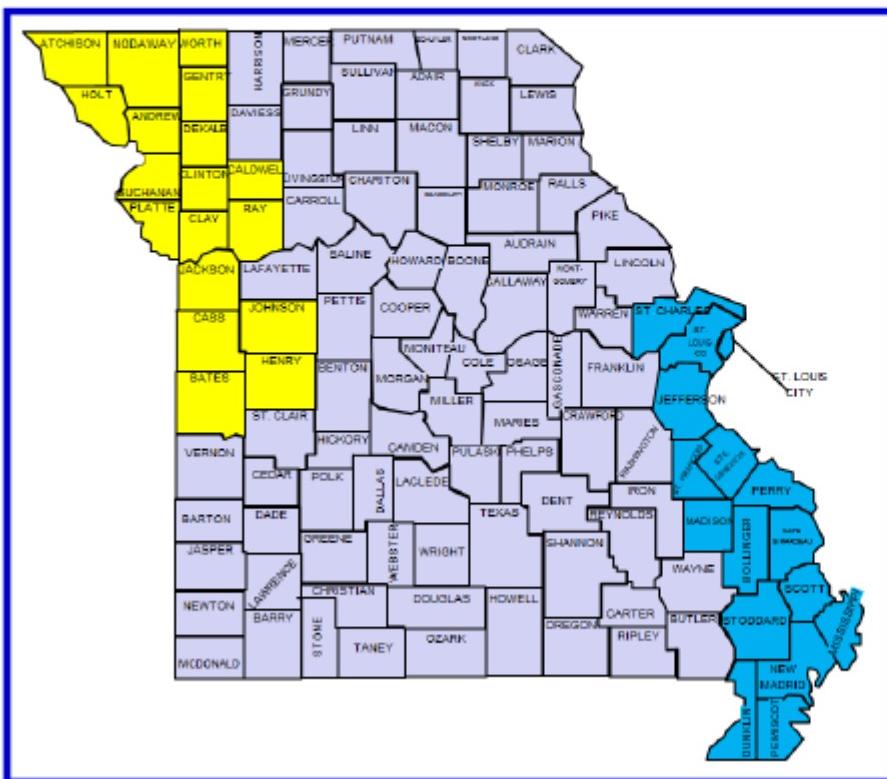
Department: Office of the State Public Defender	Budget Unit	15111C
Division: Public Defender		
DI Name: Caseload Relief - Constitutionally Mandated Representation	DI#1151003	HB Section 12.400

However, travel is still a significant problem in this division because of the nature of post-conviction proceedings, which take place in the circuit court of conviction. This means MSPD has five offices covering post-conviction proceedings in 114 counties plus the City of St. Louis. (Only one of the offices in Columbia handles post-conviction matters, the other handles only appellate cases.) The map on the next page shows how the counties are currently divided among the existing offices. As the map indicates, the heavier concentration of cases in the two urban areas of St. Louis and Kansas City leave the attorneys in those areas unable to take on as many counties as their Central Missouri counterparts are required to cover. But even with fewer cases coming in from each of the outstate (grey) counties, MSPD's Central PCR office is carrying a caseload at 362% of its attorney capacity. Add in the amount of travel involved and it becomes an equation that is simply not sustainable.

MSPD has attempted to reduce the travel burden on these offices by contracting out "remote-county PCR's", as they are known within the system, to local private counsel, but this approach has not been successful. Post-conviction practice is unique and very technical. Very few private attorneys have any experience, much less expertise, in these types of cases. MSPD's attempts to contract these cases to private counsel have too frequently resulted in the cases having to be brought back in-system to correct significant, case-changing errors made by attorneys who are in over their heads. MSPD attempted to address this problem by offering training to private attorneys interested in taking these cases, but that, too, has proved insufficient to the task. Few accepted the opportunity and those who did, ended up taking these cases so infrequently that any benefit they may have received from the training has long since worn off by the time they get their next PCR.

Therefore, part of this decision will address the problem by adding an additional office in Springfield. Missouri's appellate courts are located in St. Louis, Kansas City, and Springfield (with the Supreme Court in Jefferson City), so the new office would be conveniently located to the appellate court, while also reducing the travel time associated with a majority of the post-conviction cases in southwest Missouri. As expected, given the fact that Springfield is Missouri's third most populated city and Joplin is not far behind, the southwest region of the state accounts for a significant number of the post-conviction cases currently overloading the Central PCR office. Creating an additional Appellate/PCR office in Springfield will siphon these cases off the Columbia office, provide better service to the clients and courts in Southwest Missouri while reducing travel costs and freeing up time for the Columbia Central PCR attorneys to better handle the workload in the remainder of Missouri's outstate counties.

Current PCR County Assignments

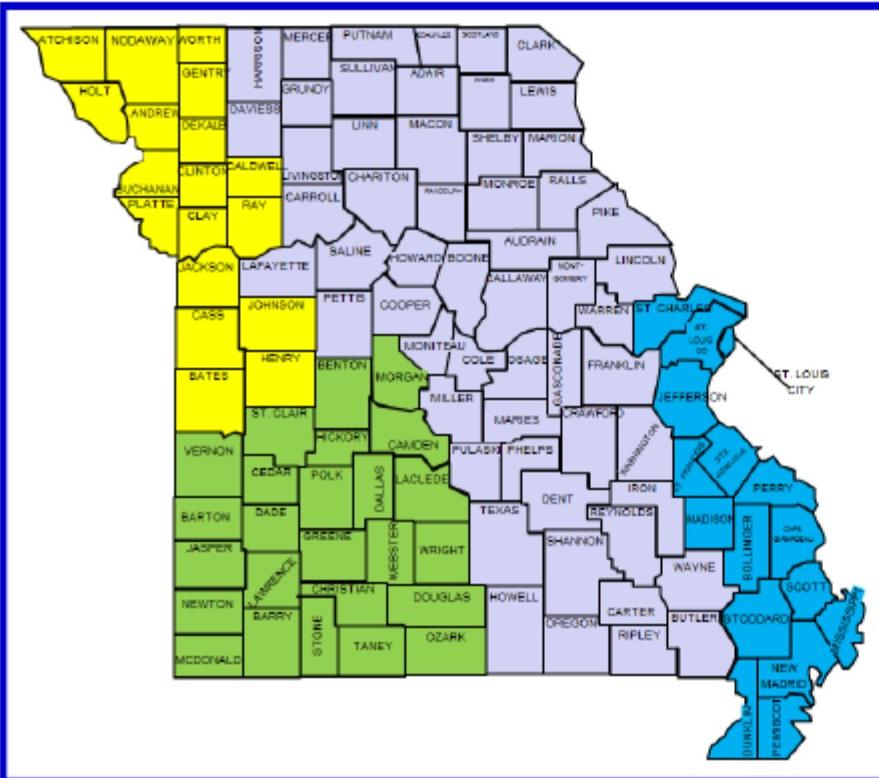


Post Conviction Relief - Trials (Circuit Court Level)

Central PCR
District 67
Eastern Appellate/PCR
Districts 51 & 68
Western Appellate/PCR
Districts 52 & 69



Proposed PCR County Assignments



Post Conviction Relief - Trials (Circuit Court Level)

Central PCR

District 67

Eastern Appellate/PCR

Districts 51 & 68

Western Appellate/PCR

Districts 52 & 69

Proposed PCR Office

District 66



Fiscal Year 2017 ASSIGNED CASES -									
Trial & Appellate Division Caseload, Adjusted for Withdrawals, and Office Conflicts									
MSPD to Retain All Cases That Are Not Conflicts									
Does Not include Capital or CDU									
Type Code	Case Type	Trial & Appellate Division Cases	Adjusted for FY17 Withdrawn	1st Level Conflicts 41's, & 49's - Sending Office	1st Level Conflicts 41's, & 49's - Receiving Office	Conflicts Assigned to Private Counsel 42's	Trial & Appellate Adjusted Caseload NO CONFLICTS	RubinBrown Hours Required for Case Type	FY16 Required Hours
15	Murder 1st Degree	161	(31)	(31)	(31)	(4)	64	106.60	6,822
20	Other Homicide	173	(24)	(33)	(33)	(9)	74	106.60	7,888
30D	AB Felony Drug	2,065	(287)	(408)	(408)	(137)	825	47.60	39,270
30F	AB Felony Other	4,284	(510)	(620)	(620)	(153)	2,381	47.60	113,336
30X	AB Felony Sex	685	(102)	(54)	(54)	(14)	461	63.80	29,412
35D	CDE Felony Drug	12,189	(824)	(1,579)	(1,579)	(335)	7,872	25.00	196,800
35F	CDE Felony Other	23,176	(1,761)	(2,469)	(2,469)	(560)	15,917	25.00	397,925
35X	CDE Felony Sex	308	(46)	(21)	(21)	(5)	215	63.80	13,717
45M	Misdemeanor	13,689	(691)	(1,211)	(1,211)	(182)	10,394	11.70	121,610
45T	Misdemeanor - Traffic	2,175	(148)	(111)	(111)	(18)	1,787	11.70	20,908
50N	Juvenile - Non Violent	780	(24)	(124)	(124)	(18)	490	19.50	9,555
50S	Juvenile - Status	156	(4)	(3)	(3)	(1)	145	19.50	2,828
50V	Juvenile - Violent	620	(41)	(73)	(73)	(10)	423	19.50	8,249
60	552 Release Petitions	9	(7)				2	0.00	0
65F	Probation Violation - Felony	15,487	(782)	(668)	(668)	(124)	13,245	9.80	129,801
65M	Probation Violation - Misd	3,511	(166)	(154)	(154)	(36)	3,001	9.80	29,410
75	Special Writ	246					246	0.00	0
110F	Direct Appeals - Felony	404	(14)	(3)	(3)	(1)	383	96.50	36,960
110S	Direct Appeal - Misdemeanor	22	(3)	(1)	(1)		17	96.50	1,641
124A	Rule 24.035 Appeal	179	(2)				177	96.50	17,081
124M	Rule 24.035 Motion	979	(96)	(19)	(19)		845	96.50	81,543
129A	Rule 29.15 Appeal	193	(1)	(2)	(2)		188	96.50	18,142
129M	Rule 29.15 Motion	277	(17)	(25)	(25)	(2)	208	96.50	20,072
Other	Other	25	(12)				13	0.00	0
	Totals	81,793	(5,593)	(7,609)	(7,609)	(1,609)	59,373	Case Hours	1,302,967

Trial and Appellate Division - Case Standards - 2017 Attorney Calculation
Assuming All Trial Division Conflicts to Private Counsel
Appellate PCR's Remain with Public Defender System

Attorney Travel Time Per Year - Estimated from FY2016 Expense Reports	37,457.0
Attorney In Court Time - Estimated from FY2016 Time Log Data	129,636.3
Case Hours Required Per ABA/RubinBrown Study - January 2014	<u>1,302,966.7</u>
Total Attorney Hours Required Per Year	1,470,060.0
Attorney Hours Available Per Year	2,080.0
Number of Attorneys Required	706.8
Current Number of Trial & Appellate Division Attorneys (Authorized FTE)	<u>359.5</u>
Number of Attorneys Needed to meet RubinBrown Standard	347.3

Note: These figures do not include juvenile cases not represented by the public defender.
 11.50 attorneys are requested in the Juvenile Advocacy decision item. The remaining 336 attorneys are requested in the Constitutionally Mandated Representation decision item.

NEW DECISION ITEM
 RANK: 5 OF 5

Department:	Office of the State Public Defender		Budget Unit		15111C				
Division:	Public Defender								
DI Name:	Caseload Relief - Constitutionally Mandated Representation		DI#1151003		HB Section		12.400		
<hr/>									
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS E
							0		
Secretary / C00200	3,110,016	112.0					3,110,016	112.0	
Assistant Public Defender / C00400	17,510,976	336.0					17,510,976	336.0	
Total PS	20,620,992	448.0	0	0.0	0	0.0	20,620,992	448.0	0
Travel, In-State / 140	1,176,000						1,176,000		
Supplies / 190	187,600						187,600		
Communication Service & Supplies	537,600						537,600		
Professional Services / 400	858,842						858,842		
Computer Equipment / 480	526,400						526,400		
Office Equipment / 580	605,360						605,360		
Other Equipment / 590	150,640						150,640		
Building Lease Payments / 680	851,200						851,200		
Total EE	4,893,642		0		0		4,893,642		0
Program Distributions							0		
Total PSD	0		0		0		0		0
Transfers									
Total TRF	0		0		0		0		0
Grand Total	25,514,634	448.0	0	0.0	0	0.0	25,514,634	448.0	0

Trial and Appellate Divisions Case Standards
Assuming All Conflicts to Private Counsel
RubinBrown

COST BREAKDOWN	TOTAL COSTS
Personal Service	
Assistant Public Defender III - Range 30	336.00
\$52,116	\$17,510,976
Legal Assistants - Range 15	112.00
\$27,768	\$3,110,016
	<u>448.00</u>
Total Personal Service	<u>\$20,620,992</u>
Expense & Equipment	
One-time Purchases	
Attorney Package	336.00
\$2,855	\$959,280
Legal Assistant Package	112.00
\$2,885	<u>\$323,120</u>
Total One-Time Purchases	<u>\$1,282,400</u>
On-Going Costs	
Attorneys	336.00
\$6,600	\$2,217,600
Legal Assistant	112.00
\$4,775	<u>\$534,800</u>
Total Personnel Related On-Going Costs	<u>\$2,752,400</u>
Total Expense and Equipment	<u>\$4,034,800</u>
Total Decision Item Request	<u>\$24,655,792</u>

Position Cost Detail for New FTE's

One Time Equipment Purchase

Attorneys

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Bookcase	\$215
File Cabinet (2)	\$225
Telephone	\$275
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,855

Support Staff

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Camera	\$190
Digital Recorder	\$105
File Cabinet (2)	\$225
Telephone	\$225
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,885

Detail for Projections

On-Going Costs - Trial & Appellate Divisons

Attorneys

Travel @ \$250 per month	\$3,000
Office	\$500
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$6,600

Legal Assistants/Investigators

Travel @ \$125 per month	\$1,500
Office	\$175
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$4,775

Office of the State Public Defender
DECISION ITEM DETAIL

Budget Unit	FY 2017 ACTUAL DOLLAR	FY 2017 ACTUAL FTE	FY 2018 BUDGET DOLLAR	FY 2018 BUDGET FTE	FY 2019 DEPT REQ DOLLAR	FY 2019 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN
OFFICE OF THE DIRECTOR								
CONSTITUTIONAL REPRESENTATION - 1151003								
SECRETARY	0	0.00	0	0.00	3,110,016	112.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	17,510,976	336.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	20,620,992	448.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	1,176,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	187,600	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	537,600	0.00	0	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	858,842	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	526,400	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	605,360	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	150,640	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	851,200	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	4,893,642	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$25,514,634	448.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$25,514,634	448.00		
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		

Office of the State Public Defender
DECISION ITEM SUMMARY

Budget Unit	FY 2017 Decision Item Budget Object Summary Fund	FY 2017 ACTUAL DOLLAR	FY 2017 ACTUAL FTE	FY 2018 BUDGET DOLLAR	FY 2018 BUDGET FTE	FY 2019 DEPT REQ DOLLAR	FY 2019 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN
EXTRAORDINARY EXPENSE/CONFLICT									
CORE									
EXPENSE & EQUIPMENT									
GENERAL REVENUE	3,721,071	0.00		4,721,071	0.00	4,721,071	0.00	0	0.00
TOTAL - EE	3,721,071	0.00		4,721,071	0.00	4,721,071	0.00	0	0.00
TOTAL	3,721,071	0.00		4,721,071	0.00	4,721,071	0.00	0	0.00
GRAND TOTAL	\$3,721,071	0.00		\$4,721,071	0.00	\$4,721,071	0.00	\$0	0.00

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit	15151C										
Division: Public Defender												
Core: Litigation Expenses/Conflict Cases Core Request	HB Section	12.400										
1. CORE FINANCIAL SUMMARY												
FY 2019 Budget Request				FY 2019 Governor's Recommendation								
GR				GR								
Federal				Federal								
Other				Other								
Total				Total								
E				E								
PS	0	0	0	0	0	0						
EE	4,721,071	0	0	4,721,071	0	0						
PSD	0	0	0	0	0	0						
TRF	0	0	0	0	0	0						
Total	4,721,071	0	0	4,721,071	0	0						
FTE	0.00	0.00	0.00	0.00	0.00	0.00						
<i>Est. Fringe</i>	0	0	0	0	0	0						
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.												
Other Funds:												
2. CORE DESCRIPTION												
This appropriation was established to cover three main types of expenses.												
VIOLENT CRIMES: Payment of expenses associated with the defense of violent crimes, including those charged as sexually violent predators.												
LITIGATION EXPENSES: Litigation expenses costing over \$500 are paid out of the appropriation. These would include, but are not limited to, such things as independent analysis of DNA evidence, mental health evaluations by experts, depositions, interpreters, medical records, transcriptions, exhibits, immigration consultations, fingerprint experts, handwriting analysis, etc. There has been no increase in funding for litigation expense since fiscal year 1996.												
CONFLICT CASES: A conflict requiring a case to be contracted out to private counsel occurs when there are multiple co-defendants charged in a particular incident. Should these co-defendants, each want to snitch on the other, an ethical problem is created and one defender office may not represent more than one co-defendant.												

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit	<u>15151C</u>
Division: Public Defender		
Core: Litigation Expenses/Conflict Cases Core Request	HB Section	<u>12.400</u>

3. PROGRAM LISTING (list programs included in this core funding)

There are no "separate" programs within this appropriation.

A chart depicting the contract rates paid to private counsel may be found under the tab "Constitutionally Mandated".

4. FINANCIAL HISTORY

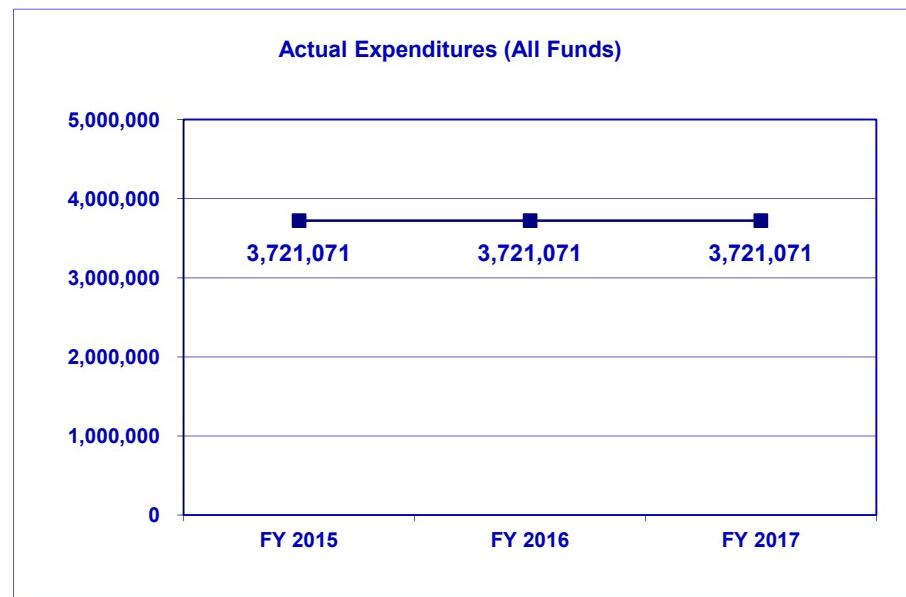
	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Current Yr.
Appropriation (All Funds)	3,721,071	3,721,071	3,721,071	4,721,071
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	3,721,071	3,721,071	3,721,071	4,721,071
Actual Expenditures (All Funds)	3,721,071	3,721,071	3,721,071	N/A
Unexpended (All Funds)	0	0	0	0
<hr/>				
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A

*Restricted amount is \$0 as of October 1, 2017

Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES: In Fiscal Year 2018, the Missouri State Legislature and the Governor, provided an additional \$1,000,000 unrestricted funds for the purpose of contracting out all conflicts to private attorneys. The Fiscal Year 2019 Budget Requests includes an additional \$851,200 request to fully fund this objective.



Office of the State Public Defender
DECISION ITEM DETAIL

Budget Unit	FY 2017	FY 2017	FY 2018	FY 2018	FY 2019	FY 2019	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
EXTRAORDINARY EXPENSE/CONFLICT								
CORE								
TRAVEL, IN-STATE	264,011	0.00	295,000	0.00	275,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	48,353	0.00	60,000	0.00	50,000	0.00	0	0.00
FUEL & UTILITIES	5,257	0.00	6,000	0.00	5,500	0.00	0	0.00
SUPPLIES	24,460	0.00	23,000	0.00	25,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	0	0.00	1,500	0.00	1,500	0.00	0	0.00
COMMUNICATION SERV & SUPP	19,813	0.00	23,000	0.00	20,000	0.00	0	0.00
PROFESSIONAL SERVICES	3,115,041	0.00	4,099,571	0.00	4,129,571	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	2,714	0.00	2,500	0.00	2,500	0.00	0	0.00
M&R SERVICES	6,149	0.00	6,000	0.00	6,000	0.00	0	0.00
COMPUTER EQUIPMENT	246	0.00	0	0.00	1,500	0.00	0	0.00
OFFICE EQUIPMENT	441	0.00	1,500	0.00	1,500	0.00	0	0.00
BUILDING LEASE PAYMENTS	226,088	0.00	200,000	0.00	200,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	1,903	0.00	1,500	0.00	1,500	0.00	0	0.00
MISCELLANEOUS EXPENSES	6,595	0.00	1,500	0.00	1,500	0.00	0	0.00
TOTAL - EE	3,721,071	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
GRAND TOTAL	\$3,721,071	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$0	0.00
GENERAL REVENUE	\$3,721,071	0.00	\$4,721,071	0.00	\$4,721,071	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

Office of the State Public Defender
DECISION ITEM SUMMARY

Budget Unit Decision Item Budget Object Summary Fund	FY 2017 ACTUAL DOLLAR	FY 2017 ACTUAL FTE	FY 2018 BUDGET DOLLAR	FY 2018 BUDGET FTE	FY 2019 DEPT REQ DOLLAR	FY 2019 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN
LEGAL DEFENSE & DEFENDER FUND								
CORE								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	135,187	1.88	135,187	2.00	135,187	2.00	0	0.00
TOTAL - PS	135,187	1.88	135,187	2.00	135,187	2.00	0	0.00
EXPENSE & EQUIPMENT								
LEGAL DEFENSE AND DEFENDER	876,366	0.00	2,825,756	0.00	2,600,756	0.00	0	0.00
TOTAL - EE	876,366	0.00	2,825,756	0.00	2,600,756	0.00	0	0.00
PROGRAM-SPECIFIC								
LEGAL DEFENSE AND DEFENDER	20,929	0.00	25,000	0.00	250,000	0.00	0	0.00
TOTAL - PD	20,929	0.00	25,000	0.00	250,000	0.00	0	0.00
TOTAL	1,032,482	1.88	2,985,943	2.00	2,985,943	2.00	0	0.00
GRAND TOTAL	\$1,032,482	1.88	\$2,985,943	2.00	\$2,985,943	2.00	\$0	0.00

CORE DECISION ITEM

Department:	Office of the State Public Defender				Budget Unit	15141C											
Division:	Public Defender																
Core:	Legal Services & Defender Fund (LDDF)				HB Section	12.400											
1. CORE FINANCIAL SUMMARY																	
FY 2019 Budget Request					FY 2019 Governor's Recommendation												
GR Federal Other Total E					GR Federal Other Total E												
PS	0	0	135,187	135,187	PS	0	0	0	0								
EE	0	0	2,600,756	2,600,756	EE	0	0	0	0								
PSD	0	0	0	0	PSD	0	0	0	0								
TRF	0	0	250,000	250,000	TRF	0	0	0	0								
Total	0	0	2,985,943	2,985,943	Total	0	0	0	0								
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00								
<i>Est. Fringe</i>	0	0	40,151	40,151	<i>Est. Fringe</i>	0	0	0	0								
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>																	
Other Funds:	Legal Defense and Defender				Other Funds:												
2. CORE DESCRIPTION																	
As laws continue to change and turnover of Missouri State Public Defender's staff is significant, training of public defenders and their staff becomes even more critical. The funds in this appropriation are collected from the indigent accused and by statute are used at the discretion of the Director of the State Public Defender System for the operation of the department, including, but not limited to, training, Missouri Bar Dues, legal research, one-time equipment purchases, office moves and other critical needs.																	
3. PROGRAM LISTING (list programs included in this core funding)																	
There are no separate programs within this appropriation. Dollars collected from Puiblic Defender Clients are utilized to assist in funding the Missouri State Public Defender System.																	

CORE DECISION ITEM

Department: Office of the State Public Defender

Budget Unit 15141C

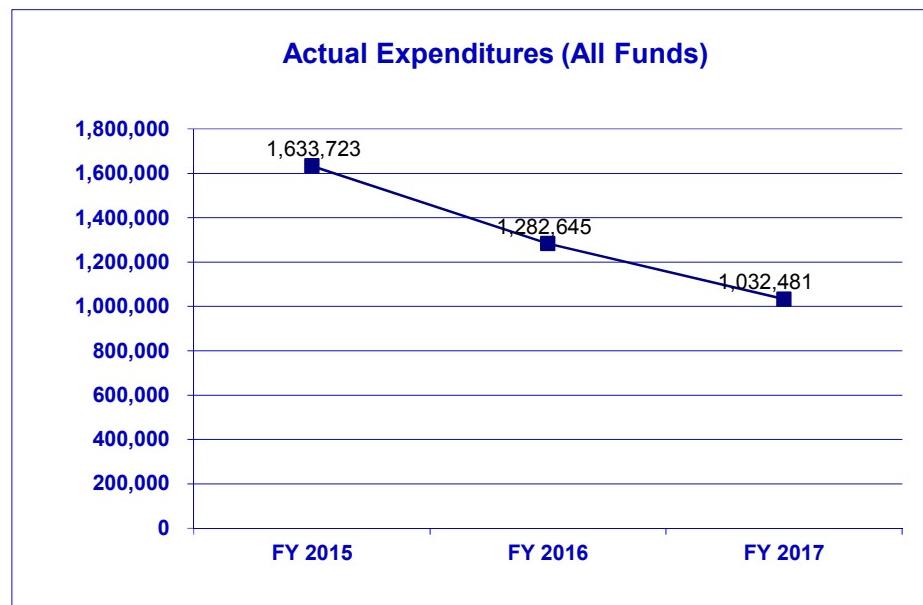
Division: Public Defender

HB Section 12.400

Core: Legal Services & Defender Fund (LDDF)

4. FINANCIAL HISTORY

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Current Yr.
Appropriation (All Funds)	2,982,583	2,983,293	2,985,943	2,985,943
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	2,982,583	2,983,293	2,985,943	2,985,943
Actual Expenditures (All Funds)	1,633,723	1,282,645	1,032,481	N/A
Unexpended (All Funds)	1,348,860	1,700,648	1,953,462	0
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	1,348,860	1,700,648	1,953,462	N/A



*Restricted amount is \$0 as of October 1, 2017.

Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES: The Appropriation is the requested spending authority should collections of fees collected from Missouri State Public Defender Clients reach the limit.

In addition to the actual expenditures, transfer of funds occur between the Office of Administration and the Public Defender for employee fringe benefits and the Central Services Cost Allocation Plan (CSCAP). In Fiscal Year 2018, MSPD's share of the CSCAP will be \$14,071.

Office of the State Public Defender
DECISION ITEM DETAIL

Budget Unit	FY 2017	FY 2017	FY 2018	FY 2018	FY 2019	FY 2019	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
CORE								
DIVISION DIRECTOR	89,168	0.88	94,985	1.00	94,985	1.00	0	0.00
PROGRAM TECHNICIAN	46,019	1.00	40,202	1.00	40,202	1.00	0	0.00
TOTAL - PS	135,187	1.88	135,187	2.00	135,187	2.00	0	0.00
TRAVEL, IN-STATE	406,316	0.00	800,756	0.00	800,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	70,966	0.00	75,000	0.00	75,000	0.00	0	0.00
SUPPLIES	12,373	0.00	130,000	0.00	35,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	47,150	0.00	185,000	0.00	185,000	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	160,000	0.00	160,000	0.00	0	0.00
PROFESSIONAL SERVICES	10,987	0.00	125,000	0.00	125,000	0.00	0	0.00
M&R SERVICES	85,944	0.00	375,000	0.00	375,000	0.00	0	0.00
COMPUTER EQUIPMENT	28,986	0.00	450,000	0.00	320,756	0.00	0	0.00
OFFICE EQUIPMENT	36,924	0.00	195,000	0.00	195,000	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	75,000	0.00	75,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	3,589	0.00	10,000	0.00	10,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	17,868	0.00	45,000	0.00	45,000	0.00	0	0.00
MISCELLANEOUS EXPENSES	155,263	0.00	200,000	0.00	200,000	0.00	0	0.00
TOTAL - EE	876,366	0.00	2,825,756	0.00	2,600,756	0.00	0	0.00
REFUNDS	20,929	0.00	25,000	0.00	250,000	0.00	0	0.00
TOTAL - PD	20,929	0.00	25,000	0.00	250,000	0.00	0	0.00
GRAND TOTAL	\$1,032,482	1.88	\$2,985,943	2.00	\$2,985,943	2.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$1,032,482	1.88	\$2,985,943	2.00	\$2,985,943	2.00		0.00

STATE OF MISSOURI
FUND FINANCIAL SUMMARY

DEPARTMENT: Office of the State Public Defender
FUND NAME: Legal Defense & Defender Fund
FUND NUMBER: 0670

<input checked="" type="checkbox"/> Statutory	RSMo 600.090.6
<input type="checkbox"/> Constitutional	

<input type="checkbox"/> Federal Fund
<input checked="" type="checkbox"/> Administratively Created
<input checked="" type="checkbox"/> Interest Deposited To Fund

<input type="checkbox"/> Subject To Biennial Sweep
Subject to Other Sweeps (see Notes)

FUND OPERATIONS	FY 2017 ADJUSTED APPROP	FY 2017 ACTUAL SPENDING	FY 2018 ADJUSTED APPROP	FY 2019 REQUESTED
BEGINNING CASH BALANCE	151,270	151,270	466,826	0
RECEIPTS:				
REVENUE (Cash Basis: July 1 - June 30)	1,416,566	1,416,566	1,500,000	1,500,000
TRANSFERS IN	0	0	0	0
TOTAL RECEIPTS	<u><u>1,416,566</u></u>	<u><u>1,416,566</u></u>	<u><u>1,500,000</u></u>	<u><u>1,500,000</u></u>
TOTAL RESOURCES AVAILABLE	<u><u>1,567,836</u></u>	<u><u>1,567,836</u></u>	<u><u>1,966,826</u></u>	<u><u>1,500,000</u></u>
APPROPRIATIONS (INCLUDES REAPPROPS):				
OPERATING APPROP'S	2,985,943	1,032,481	2,985,943	2,985,943
TRANSFER APPROP'S	0	68,529	63,165	63,165
CAPITAL IMPROVEMENTS APPROP'S	0	0	0	0
TOTAL APPROPRIATIONS	<u><u>2,985,943</u></u>	<u><u>1,101,010</u></u>	<u><u>3,049,108</u></u>	<u><u>3,049,108</u></u>
BUDGET BALANCE	(1,418,107)	466,826	(1,082,282)	(1,549,108)
UNEXPENDED APPROPRIATION *	1,884,933	0	0	1,549,108
OTHER ADJUSTMENTS	0	0	0	0
ENDING CASH BALANCE	466,826	466,826	(1,082,282)	0
FUND OBLIGATIONS				
ENDING CASH BALANCE	466,826	466,826	(1,082,282)	0
OTHER OBLIGATIONS				
OUTSTANDING PROJECTS	0	0	0	0
CASH FLOW NEEDS	0	0	0	0
TOTAL OTHER OBLIGATIONS	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>
UNOBLIGATED CASH BALANCE	466,826	466,826	(1,082,282)	0

Office of the State Public Defender
DECISION ITEM SUMMARY

Budget Unit	FY 2017 Decision Item Budget Object Summary Fund	FY 2017 ACTUAL DOLLAR	FY 2017 ACTUAL FTE	FY 2018 BUDGET DOLLAR	FY 2018 BUDGET FTE	FY 2019 DEPT REQ DOLLAR	FY 2019 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN
DEBT OFFSET ESCROW FUND									
CORE									
PROGRAM-SPECIFIC									
DEBT OFFSET ESCROW	1,095,998	0.00		0	0.00	0	0.00	0	0.00
TOTAL - PD	1,095,998	0.00		0	0.00	0	0.00	0	0.00
FUND TRANSFERS									
DEBT OFFSET ESCROW	0	0.00		1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL - TRF	0	0.00		1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL	1,095,998	0.00		1,200,000	0.00	1,200,000	0.00	0	0.00
GRAND TOTAL	\$1,095,998	0.00		\$1,200,000	0.00	\$1,200,000	0.00	\$0	0.00

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit	<u>15161C</u>																																						
Division: Public Defender																																								
Core: Debt Offset Core Request		<u>HB Section</u> <u>12.400</u>																																						
1. CORE FINANCIAL SUMMARY																																								
FY 2019 Budget Request					FY 2019 Governor's Recommendation																																			
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>GR</th> <th>Federal</th> <th>Other</th> <th>Total</th> <th>E</th> </tr> </thead> <tbody> <tr> <td>PS</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td></td> </tr> <tr> <td>EE</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td></td> </tr> <tr> <td>PSD</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td></td> </tr> <tr> <td>TRF</td> <td>0</td> <td>0</td> <td>1,200,000</td> <td>1,200,000</td> <td></td> </tr> <tr> <td>Total</td> <td>0</td> <td>0</td> <td>1,200,000</td> <td>1,200,000</td> <td></td> </tr> </tbody> </table>						GR	Federal	Other	Total	E	PS	0	0	0	0		EE	0	0	0	0		PSD	0	0	0	0		TRF	0	0	1,200,000	1,200,000		Total	0	0	1,200,000	1,200,000	
	GR	Federal	Other	Total	E																																			
PS	0	0	0	0																																				
EE	0	0	0	0																																				
PSD	0	0	0	0																																				
TRF	0	0	1,200,000	1,200,000																																				
Total	0	0	1,200,000	1,200,000																																				
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	GR	Federal	Other	Total	E																																			
PS	0	0	0	0																																				
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	GR	Federal	Other	Total	E																																			
FTE	0.00	0.00	0.00	0.00																																				
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	GR	Federal	Other	Total	E																																			
<i>Est. Fringe</i>	0	0	0	0																																				
<p><i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i></p>					<p><i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i></p>																																			
Other Funds: M					Other Funds:																																			
2. CORE DESCRIPTION																																								
<p>Beginning in FY1995, each department/agency participating the Department of Revenue's Debt Offset Program, was required to establish an appropriation to receive money intercepted from individual Missouri State Income Tax Refunds by the Department of Revenue on behalf of the department/agency.</p> <p>The Department of Revenue has also set up an intercept program for persons receiving Lottery winnings, in which the State Public Defender participates.</p>																																								
3. PROGRAM LISTING (list programs included in this core funding)																																								
<p>In Fiscal Year 2017, the Missouri State Public Defender intercepted \$1,059,487.53 of Missouri State Income Tax refunds and \$95,201.99 of Lottery winnings form past Public Defender clients who have/had outstanding debts to the State Public Defender.</p>																																								

CORE DECISION ITEM

Department: Office of the State Public Defender

Budget Unit 15161C

Division: Public Defender

HB Section 12.400

Core: Debt Offset Core Request

4. FINANCIAL HISTORY

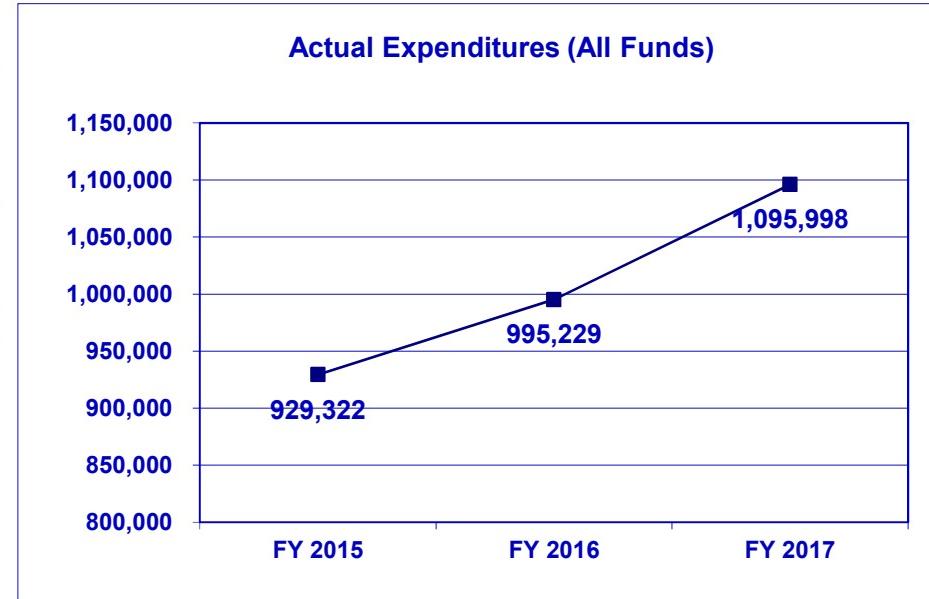
	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Current Yr.
Appropriation (All Funds)	1,200,000	1,200,000	1,200,000	1,200,000
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	1,200,000	1,200,000	1,200,000	1,200,000
Actual Expenditures (All Funds)	929,322	995,229	1,095,998	N/A
Unexpended (All Funds)	270,678	204,771	104,002	0
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	270,678	204,771	104,002	N/A

*Restricted amount is \$0.00 as of October 1, 2017.

Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:



Office of the State Public Defender
DECISION ITEM DETAIL

Budget Unit	FY 2017 ACTUAL DOLLAR	FY 2017 ACTUAL FTE	FY 2018 BUDGET DOLLAR	FY 2018 BUDGET FTE	FY 2019 DEPT REQ DOLLAR	FY 2019 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN
DEBT OFFSET ESCROW FUND								
CORE								
REFUNDS	1,095,998	0.00	0	0.00	0	0.00	0	0.00
TOTAL - PD	1,095,998	0.00	0	0.00	0	0.00	0	0.00
TRANSFERS OUT	0	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL - TRF	0	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
GRAND TOTAL	\$1,095,998	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$1,095,998	0.00	\$1,200,000	0.00	\$1,200,000	0.00		0.00

Office of the State Public Defender
DECISION ITEM SUMMARY

Budget Unit	FY 2017 ACTUAL DOLLAR	FY 2017 ACTUAL FTE	FY 2018 BUDGET DOLLAR	FY 2018 BUDGET FTE	FY 2019 DEPT REQ DOLLAR	FY 2019 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN
GRANTS								
CORE								
PROGRAM-SPECIFIC								
PUBLIC DEFENDER-FEDERAL & OTHR	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL	0	0.00	125,000	0.00	125,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$0	0.00

CORE DECISION ITEM

Department:	Office of the State Public Defender				Budget Unit	15131C											
Division:	Public Defender																
Core:	Federal & Other				HB Section	12.400											
1. CORE FINANCIAL SUMMARY																	
FY 2019 Budget Request					FY 2019 Governor's Recommendation												
GR Federal Other Total E					GR Federal Other Total E												
PS	0	0	0	0	PS	0	0	0	0								
EE	0	0	0	0	EE	0	0	0	0								
PSD	0	125,000	0	125,000	PSD	0	0	0	0								
TRF	0	0	0	0	TRF	0	0	0	0								
Total	0	125,000	0	125,000	Total	0	0	0	0								
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00								
Est. Fringe	0	0	0	0	Est. Fringe	0	0	0	0								
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.					Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.												
Other Funds: Federal or Other Funds that could be come available to Assist in Funding the State Public Defender System					Other Funds:												
2. CORE DESCRIPTION																	
Appropriation is requested to have spending authority should Federal or other funds become available during Fiscal Year 2019 to assist in funding the State Public Defender System.																	
3. PROGRAM LISTING (list programs included in this core funding)																	

CORE DECISION ITEM

Department: Office of the State Public Defender

Budget Unit 15131C

Division: Public Defender

HB Section 12.400

Core: Federal & Other

4. FINANCIAL HISTORY

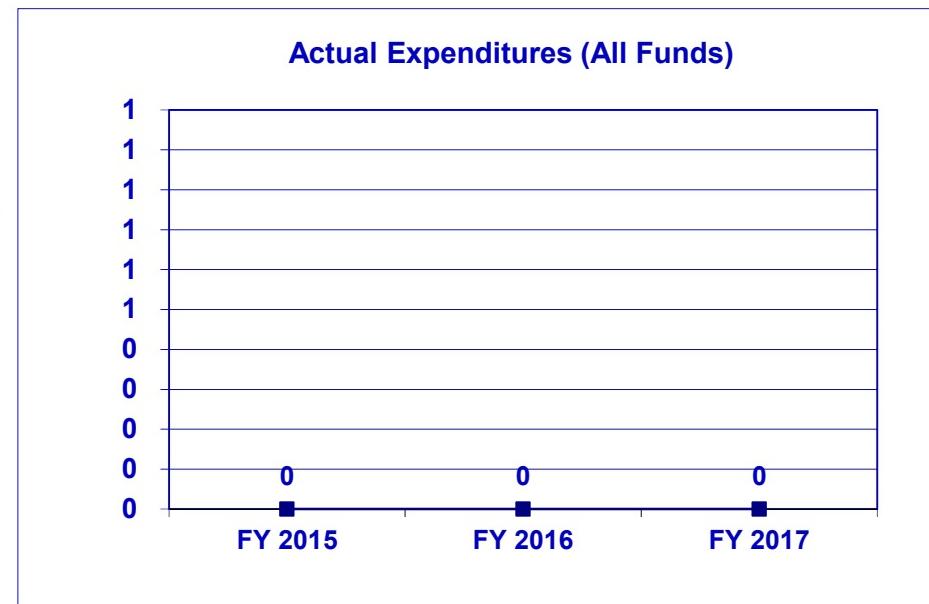
	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Current Yr.
Appropriation (All Funds)	125,000	125,000	125,000	125,000
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	125,000	125,000	125,000	125,000
Actual Expenditures (All Funds)	0	0	0	N/A
Unexpended (All Funds)	125,000	125,000	125,000	0
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A

*Restricted amount is as of ____

Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:



Office of the State Public Defender
DECISION ITEM DETAIL

Budget Unit	FY 2017 ACTUAL DOLLAR	FY 2017 ACTUAL FTE	FY 2018 BUDGET DOLLAR	FY 2018 BUDGET FTE	FY 2019 DEPT REQ DOLLAR	FY 2019 DEPT REQ FTE	***** SECURED COLUMN	***** SECURED COLUMN
GRANTS								
CORE								
PROGRAM DISTRIBUTIONS								
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$0	0.00
GENERAL REVENUE								
FEDERAL FUNDS	\$0	0.00	\$125,000	0.00	\$125,000	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

